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PLAN OF
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MANCHESTER
with the
AVENUES LEADING TH

PLAN OF
St. Peter's Field,
 MANCHESTER,
 with the
 AVENUES LEADING THERETO



76636

Capt. J. C. Unwin
THE WHOLE

PROCEEDINGS

BEFORE THE

CORONER'S INQUEST

At Oldham, &c.

ON THE BODY OF

JOHN LEES,

WHO DIED OF SABRE WOUNDS AT

Manchester,

AUGUST 16, 1819;

BEING THE FULLEST AND ONLY AUTHENTIC INFORMATION
CONCERNING THE TRANSACTIONS OF THAT FATAL DAY.

DETAILING

THE EVIDENCE ON BOTH SIDES, UPON OATH; THE LEGAL ARGUMENTS
BEFORE THE CORONER; HIS VARIOUS DECISIONS; THE APPLICATION
TO THE COURT OF KING'S BENCH FOR A MANDAMUS TO HIM TO
PROCEED; THE AFFIDAVITS THEREON; AND THE PETITION
OF THE FATHER OF THE DECEASED TO PARLIAMENT.
WITH REFERENCES TO THE CASES ON THE
SUBJECT, AND A COPIOUS ANALYTICAL
INDEX.

TAKEN IN SHORT-HAND

AND EDITED

By JOSEPH AUGUSTUS DOWLING, Esq.

WITH AN ACCURATE PLAN
OF ST. PETER'S FIELD.

LONDON:

PRINTED FOR WILLIAM HONE, LUDGATE HILL.

1820.



Printed by H. Hay, 11, Newcastle-street, Strand.

ADDRESS.

I HAVE the honour, here, to be the organ through which are submitted to the Public, the proceedings on an Inquiry, which has engaged the serious attention of this NATION and of all EUROPE. It is an Inquiry, developing to the Country, on Oath, the real facts of a transaction, described by some, as having seriously affected her chartered Liberties—by others, as being strictly legal, and cogently necessary: and I may not, perhaps, be deemed presumptuous in believing, that this Volume will be read with interest, by all who justify and applaud—by all who deprecate and denounce, the proceedings at Manchester on the 16th of August last.

I have not lightly appreciated the important Duty imposed upon me; and have spared no pains to complete a voluminous INDEX; which, I trust, may be found useful to those who enter deeply into the Subject.

It is my duty here to state, that not having been sent for, to attend the Inquest, in the first instance, the previous part of the proceedings were not taken in Short-hand by me; but the Notes of several Gentlemen were submitted to my Inspection, from which I have extracted and compiled, conscientiously, as fair and impartial a report of that part of the proceedings as my own humble capacity would permit. For the accuracy of the proceedings, on the last six Days of the Inquest, I am personally responsible.

I have the honour to be,

The Public's very humble Servant,

JOSEPH AUGUSTUS DOWLING.

London, December 25, 1819.

REFERENCES TO THE PLAN.

1. THE HUSTINGS.
2. A Row of Flags, by which Mr. Hunt advanced to the Hustings.
3. A double *cordon* of Constables, extending from the last house in Mount Street to the Hustings.
4. Mr. Buxton's House, in which the Magistrates were assembled.
5. Logs of Wood, under the Wall of the Quaker's Meeting-House Yard.
6. Cooper's Cottage Wall.
7. Mrs. Rayborn's House.
8. The Dye-House.
9. The Manchester Yeomanry Cavalry, drawn up before the Charge.
10. The 88th Foot, in Dickenson Street.
11. Cavalry, after crossing the Field.
12. The 15th Hussars, Cheshire Yeomanry, Artillery, and 31st Foot, with their line of march, previous to, and at the time of the Meeting.
13. A strong Bar Gate, which was forced down by the pressure of the Crowd in escaping.
14. Pickford's Yard.
15. The Line of March of the Manchester Yeomanry to the Ground.

CORONER'S INQUEST,

AT OLDHAM.

INTRODUCTION.

IN the night, between the 6th and 7th of September, JOHN LEES, a young man, about twenty-two years of age, died at the house of his father, a cotton manufacturer, at Oldham; and Mr. EARNSHAW, the Surgeon, who had attended the deceased, having certified that his death was occasioned by violence, several householders were served with summonses on the night of the 7th, to attend at the sign of the Duke of York, at Oldham, the next morning, at half-past ten o'clock, for the purpose of inquiring into the cause of the death of the said John Lees.

First Day.

CORONER'S INQUEST,

AT THE SIGN OF THE DUKE OF YORK, OLDHAM

WEDNESDAY, 8TH SEPTEMBER, 1819,

Eleven o'Clock in the Forenoon.

Mr. BATTYE attended as deputy for Mr. FERRAND, the Coroner of this Division, to meet the Jury and conduct the Inquest; and proclamation having been made, the following persons were called as Jurymen, severally appeared, and were sworn:—

JOHN JACKSON,	JOHN KAYE,
THOMAS WOOLFENDEN,	GEORGE BOOTH,
JAMES COATES,	JOSEPH DIXON,
GEORGE DIXON,	THOMAS JACKSON,
HENRY WOOLSTONHOLME,	JOHN NEWTON,
THOMAS BOOTH,	JOHN OGDEN.

Mr. Battye then accompanied the Jury to view the body of the deceased, after which they returned to the Inn.

While the Jury were assembling at the sign of the Duke of York, Messrs. HARMER and DENISON, solicitors,* had arrived in the town, with Mr. BASNETT, a Surgeon, from Manchester, and several persons to give evidence; and these solicitors, together with Mr. Basnett, examined the body, and saw the mother of the deceased, just before the Jury and Mr. Battye went to make their view.

On the return of Mr. Battye and the Jury, the following dialogue took place:—

* Mr. Harmer had been at Lancaster during the preceding week to prefer indictments against several of the Manchester Yeomanry, for maliciously cutting, under Lord Ellenborough's Act; and on those bills being thrown out by the Grand Jury, he left Mr. Hunt and Mr. Pearson at Lancaster, on Sunday, the 5th of September, for London. But, we understand, Mr. Harmer, in the course of his journey, determined to stop at Manchester, and apply to the Magistrates there, to issue warrants against those who were accused of committing acts of violence. He accordingly went on Monday to the New Bailey, but as no Magistrate attended there on that day, Mr. Harmer was compelled, in order to pursue his plan, to remain until the next day, Tuesday, when his application was made and rejected. In the interval Messrs. Harmer and Denison were informed that the deceased had died of the injuries received at Saint Peter's-field, on the 16th of August, and that a Coroner's Jury were likely to be convened, in consequence of which, a person was employed to gain intelligence when the Jury were to meet; and very early on Wednesday morning he brought intelligence to Manchester that the Inquest was to be held the same morning at Oldham. Whereupon Messrs. Harmer and Denison collected as many witnesses as filled three or four coaches, and proceeded with them to Oldham.

Mr. HARMER—(*Addressing himself to Mr. Battye*)—I presume, Sir, you are the Coroner?

Mr. BATTYE—No; I am clerk to the Coroner, Mr. Ferrand, who is at Lancaster.

Mr. HARMER—Then you attend to take the Inquest as his Deputy?

Mr. BATTYE—Yes, I came to take it in his stead.

Mr. HARMER—Are the Jury sworn, Sir?

Mr. BATTYE—Yes, they are.

Mr. HARMER—May I be favoured with their names?

Mr. BATTYE—No, I shan't tell you; I should like to know what is your name?

Mr. HARMER—My name is Harmer. Now I presume you can have no objection to tell me your name, or to give me the names of the Jury?

Mr. BATTYE—I won't answer any questions.

A GENTLEMAN—I dare say the Jury themselves will have no objection to tell their names.

Mr. BATTYE—(*Looking towards the Jury*)—I desire the Jury will answer no questions.

Mr. HARMER—What motive, Sir, can you have for refusing your name, or keeping those of the Jury unknown to me?

Mr. BATTYE—I shall answer no questions.

A STRANGER—His name is Battye.

Mr. BATTYE—Yes, that is my name; and I tell you that I shall not proceed upon this Inquisition now; I shall adjourn it till Mr. Ferrand comes.

Mr. HARMER—When you had the Jury summoned, and when you came here, was it not your intention to hold the inquest?

Mr. BATTYE—Yes, it was my intention; for I was told by the constable that Lees was *crushed* to death; but, since I came here, I find he has been *cut*; and, from what I have learnt, I will adjourn the inquest.

Mr. HARMER—If you had not seen us here with the witnesses, would you not have proceeded with the inquest?

Mr. BATTYE—I will answer no more questions, and (*pointing to a gentleman who was taking notes*) I suppose I shall see all this in black and white, in the newspapers, in a few days; but no one has any business to be writing here.

Mr. HARMER—Any gentleman who acts conscientiously and correctly, need never be afraid of the publication of his conduct; and I consider that any man is at liberty to take down what takes place at an inquest.

Mr. BATTYE—If Mr. Ferrand was here, I am sure he would not allow one of you in the room.

Mr. HARMER—I beg to observe, that Mr. Ferrand could not legally exclude us; for, as this is a public court of justice, instituted for the purpose of inquiring into the cause of the death of a fellow subject, who has met his death by violence, if all the people of England could be so compressed, they are entitled to be present. I have ample evidence here, Sir, to demonstrate that

the deceased, upon whose case the jury are met to inquire, is one of those who has met his death in consequence of the outrageous incursion of the military upon an assembly of unarmed and unoffending people, at Manchester, on the 16th of last month; and I am ready to prove most satisfactorily, by a host of evidence, that there was no provocation, legal right, or even plausible pretence, for the interference of the military upon that occasion; I therefore beg you will proceed to take the evidence now, even if you afterwards think it necessary to adjourn, for the final conclusion of the inquest, until Mr. Ferrand can attend.

Mr. BATTYE—I shall adjourn the Court; and (*addressing himself to the auditors*) you must go out of the room.

Mr. HARMER—I again suggest, whether it would not be right, Sir, to examine those witnesses who are present, and have come some distance to give their testimony.

Mr. BATTYE—I shall adjourn the Court.

Mr. HARMER—I protest against the adjournment. There may be great difficulty in again collecting the evidence; besides, it may be material to identify the body, and it is in such a state that it cannot remain long above ground. I appeal to the Jury themselves, who have just seen the deceased, and also to the medical gentlemen, one of whom attended him since he was wounded, whether it is not next to impossible for the relations to keep the body longer unburied.

Mr. BASNETT and Mr. EARNSHAW concurred in stating, that the body was in such a state of putrefaction, that it ought immediately to be interred.

Mr. BATTYE—Well, then, I will adjourn the Court for three or four hours, and *send and fetch* a Coroner.

Mr. DENISON—Would it not be better, Sir, instead of adjourning the Court, that you should take the depositions of the witnesses who are now present, and thus occupy the interval until the arrival of the Coroner?

Mr. BATTYE—I can have a Coroner in two or three hours.

Mr. DENISON—What Coroner do you propose to send for, Sir?

Mr. BATTYE—I shall look for Mr. Milne; but if he cannot be met with, I must send to Lancaster for Mr. Ferrand, and every man who knows him, will say he is an impartial man.

Mr. HARMER—No one expresses any doubt of the impartial character of Mr. Ferrand. You, alone, Sir, have cast a reflection upon him in saying, that if he were here, he would not allow us to remain in the room.

Mr. BATTYE—I do say, he would not have you in the room.

Mr. HARMER—I repeat, Sir, that to exclude us would be contrary to the law of the land; for not merely professional agents, but any passing strangers, are at liberty to enter, and remain in this public Court, so long as they conduct themselves with decorum and propriety.

Mr. BATTYE—I adjourn the Court till three o'clock; and will go to Manchester after Mr. Milne.—(*To the Jury*)—Gentlemen

of the Jury, you are now dismissed, and are to attend here again at three o'clock.

At a few minutes after three the Jury again assembled, and were presently joined by Mr. Battye, who thus addressed the Court:—I have been to Manchester to look for Mr. Milne, who says he cannot attend this day or to-morrow, in consequence of other engagements, but he will come to preside at the inquest on Friday morning, if Mr. Ferrand should not return before then. Under these circumstances, I shall adjourn the inquest until Friday morning.

Mr. HARMER—I should be sorry to press you to the performance of any duty that is unpleasant to you; but I cannot help suggesting the propriety of your taking the depositions of the several witnesses present, who have come several miles to attend the inquest, and may probably be prevented from again attending. After those depositions are reduced to writing, the inquest may be adjourned until a Coroner may be able to attend. This, I submit, will be a convenient mode of proceeding, for the accommodation of the witnesses and the Jury, as well as for the furtherance of the purposes of public justice.

Mr. BATTYE—I cannot submit to the fatigue of going into the business to-day. I have had no dinner, and I am engaged to sup this evening with a friend at Rochdale. Besides, we don't want *your* evidence. You might bring half Manchester here; the Crown has plenty of evidence without *yours*.

Mr. HARMER—What do you mean, Sir, by the Crown having plenty of evidence without *ours*? All persons who can give information in this inquiry are witnesses for the Crown, let them be produced by whom they may.

Mr. BATTYE—I won't answer any questions; I think I have said enough. I will not hear your evidence; they are not wanted.

Mr. HARMER—It is the province of the Jury, Sir, to hear the evidence, and they are to determine what evidence is wanted to satisfy them.

Mr. BATTYE—When Mr. Ferrand comes here he will do what he pleases; but I shan't take any evidence you offer.

Mr. HARMER—Have you not before attended for the Coroner, at Inquests, and taken depositions?

Mr. BATTYE—I have taken the depositions of witnesses, but I have always adjourned the Inquest till Mr. Ferrand was present.

Mr. HARMER—Well, then, all I require of you in this case is to follow the same course that you state you have pursued in others. Take the depositions of the witnesses who come from a distance; for, as I before observed, it may be difficult to bring them here again, and the Jury, in that case, will lose the benefit of their testimony.

Mr. BATTYE—I tell you I will adjourn the Court.

Mr. HARMER—I again request you not to adjourn, without put-

ting the Jury in possession of evidence, which they may not again be able to obtain, and which may be most material to enable them to form a correct judgment respecting the death of a fellow creature, which has evidently been occasioned by violence; especially as they are bound to determine, on their oaths, what has been the cause of that death.

Mr. BATTYE—What time would you please to occupy in your mode of inquiry? Why, we may be kept here all night with hearing your evidence.

Mr. HARMER—The evidence which I have now to adduce would not occupy much time: but no time would be mispent in ascertaining the real cause of such a melancholy event.

Mr. BATTYE—Oh, yes! I know we are not to consider time in this business; for once I remember Mr. Ferrand had an Inquest for five weeks; but I did not know of your attendance, or I would not have come at all.

Mr. HARMER—May I ask what first induced you to alter your determination?

Mr. BATTYE—It was when I came here this morning, a woman came and told me, that three or four coaches had come with a number of persons from Manchester, and some from London. We supposed that they were witnesses, and then I determined not to go into the case; and now I tell you, once for all, that I am resolved that no one shall entrap me into the Inquest.

A JUROR—Why not proceed with the Inquest now? Has any thing uncommon happened since morning, that prevents you from proceeding as you intended?

Mr. BATTYE—Yes, something has happened, which I do not think proper to explain here.

Mr. HARMER—It appears to me, that if you came this morning prepared and authorised to take the evidence, and the Jury now desire to hear it; it is your duty to comply with their desire.

Mr. BATTYE—It was my intention when I left home to hear the evidence, but when I came here I thought differently. I heard here something about a sabre wound; but I heard at Rochdale that the man died of a *crush*, which was neither murder nor manslaughter, but accidental death.

Mr. HARMER—Although the death of an individual is occasioned by a *crush*, circumstances might still make it murder.

ANOTHER JUROR—I wish that the evidence may be gone into at once.

Mr. HARMER—Sir, as the Jury express this wish, I hope you will comply with it. I have the evidence at hand ready to adduce, if the Jury desire to hear it.

Mr. BATTYE—The Jury all agree with me that the Inquest should be adjourned.

SEVERAL OF THE JURY—No, Sir; it is not so.

A JUROR—I wish to know whether, according to law, it is in the power of the Coroner to adjourn the Court against the wish of the Jury.

Mr. BATTYE—(*To the Juror who last spoke*)—I know you of old. I remember you. You have an enmity to me; and I won't answer any of *your* questions. I chuse to adjourn the Court because I don't feel myself competent to enter into the inquiry.

SEVERAL JURORS (*at once*)—We wish that the evidence should be gone into now.

THE FOREMAN OF THE JURY—I am of the same opinion.

Mr. BATTYE (*rising from his chair*)—I adjourn the Court.

A JUROR (*to Mr. Battye*)—If, Sir, you felt yourself competent to conduct the Inquest when you understood that the deceased met his death by a crush, why should you feel yourself incompetent to conduct it because you have heard that his death was occasioned by a sabre wound?

Mr. BATTYE (*addressing himself to Mr. Harmer*)—I think I have had trouble enough upon this business, however; I have rode eighteen miles, and gone to Manchester, all to oblige you, and you are not satisfied, even now. You have all behaved very ill to me. I do not know what you would have.

Mr. HARMER—I appeal to the Jury whether I have said or done any thing offensive or unbecoming. If I have, I should be ready to make the most ample apology. But I am sorry in being compelled to observe, that I have witnessed a levity of conduct here, very unsuitable to the solemnity of such an investigation; and extremely inconsistent with that serious consideration which is due from common humanity to the death of a fellow creature.

Mr. BATTYE—Things, I have no doubt, will be conducted differently on Friday.

Mr. HARMER—I hope so. But while I disclaim any intention to offend you, Sir, I must call to your recollection the language you used this morning—that if Mr. Ferrand were here, he would not allow us to be in the room.

Mr. BATTYE—Oh! I know now that you have a right by law to be in the room; but you are not entitled to meddle with the Inquest.

Mr. HARMER—I have no wish improperly to interfere.

Mr. DENISON—I wish to know the names of the Jury, not from any diffidence whatever in their integrity, but to be assured that the same persons attend on Friday who have now been sworn.

Mr. BATTYE—I will not give their names.

Mr. DENISON—The Jury will, I doubt not, have themselves, no hesitation to give their names.

Mr. BATTYE—I forbid them to do so.

FOREMAN—My name is Jackson.

Mr. BATTYE—(*addressing Messrs. Harmer, Denison, and Auditors*)—What keeps you all here now? the Court is adjourned, do you want to fish out any thing more?

Mr. HARMER—You use language and make insinuations, Sir,

which are unjustifiable. We have addressed you as Gentlemen, and you should treat us in the same manner, knowing that we are here performing our professional duty as well as yourself.

MR. BATTYE—Oh dear! them that can't turn, can't spin.

MR. HARMER—That is a very classical expression.

MR. BATTYE—It's an expression very well understood in Lancashire.

A JUROR (*to his brother Jurymen*)—Are you satisfied that an adjournment shall take place?

ANOTHER JURYMAN—This is a Coroner's Inquest, and I think the Coroner competent to adjourn it.

MR. BATTYE—I do adjourn it.

MR. DENISON—I request you will record the adjournment.

MR. BATTYE—Will you keep teasing and questioning me here all night? I shall do as I like.

MR. HARMER—It is necessary, Sir, that the adjournment should be recorded, in order that we may know when to attend, and that no investigation may take place in our absence.

MR. BATTYE—What! do you think us so mean here? That's a very ungentleman-like observation.

MR. HARMER—I will not say what I think, but I've said nothing ungentleman-like.

A JUROR (*addressing himself to Mr. Battye*)—I must take leave to say, Sir, that you have shown yourself very irritable upon this occasion, and have made offensive observations to these Gentlemen, which I have heard with pain.

MR. BATTYE—What's that to you; if you thought me what you say, you should wait till they are gone, and say so to me in private.

Messrs. Harmer and Denison, together with the audience, withdrew, leaving Mr. Battye and the Jury in the room, and it appears, that in the course of the next day, a surgeon of the name of Cox, by the desire of the Constable, opened and examined the body of the deceased, after which Mr. Battye gave directions for its interment.

Second Day.

AT THE SIGN OF THE DUKE OF YORK, OLDHAM,

FRIDAY, SEPTEMBER 10, 1819.

At eleven o'clock the Jury assembled, Mr. MILNE and Mr. BATTYE arrived, and retired to a private room; during their absence, Mr. Harmer entered the Court room, followed by two or three gentlemen.

Mr. HARMER—Is the Coroner here ?

A JUROR—Mr. Milne and Mr. Battye are come, and will return here presently. We understand they intend again to adjourn the business. Is this legal ?

Mr. HARMER—You must excuse me from answering any question or entering into any conversation with you, in the absence of the Coroner ; and to avoid any thing of the kind I will withdraw.

Mr. Harmer and the strangers left the room. In a few minutes Mr. Milne and Mr. Battye entered the Court, and were immediately followed by Messrs. Harmer and Denison.

Mr. HARMER—(*addressing Mr. Milne*)—I presume, Sir, you are the Coroner, and that we may now proceed to the investigation ?

Mr. MILNE—I am a Coroner, but not for this place ; but as Mr. Ferrand, the Coroner for this district, is not here, I shall advise this young man (Mr. Battye) to adjourn the inquest for a fortnight.

Mr. HARMER—Surely, Sir, you cannot be serious in this determination. On Wednesday Mr. Battye undertook, that if Mr. Ferrand did not return by to-day, you would certainly take the inquisition.

Mr. MILNE—It is not my business, and I will not therefore take the responsibility of holding it, and Mr. Battye is not, I think, sufficiently experienced to take it.

Mr. HARMER—This objection may perhaps be obviated, by Mr. Battye, as the Deputy to Mr. Ferrand, taking the evidence in your presence, by which means he will have the benefit of your experience and advice, and if, after all the evidence has been taken, any difficulty occurs, the Inquest may be adjourned until Mr. Ferrand returns.

Mr. MILNE—I will not take the Inquest, and shall advise Mr. Battye not to proceed in it. I do not choose to enter into any further explanations, and if it was my Inquest, I would not allow any one to interfere or take notes, and I will read an opinion to show that I should be justified in such a proceeding.—[Mr. Milne here read the opinion of a Barrister, from which it appeared, that an Attorney who attended an Inquest *on behalf of a suspected person*, had not only insisted on asking questions of the witnesses, but behaved rudely to the Coroner. The counsel therefore, on considering the circumstances, gave it as his opinion, that although an attorney for the accused was entitled to be present, yet he could not be justified in interrupting the proceedings and abusing the Coroner.]

Mr. HARMER—I perfectly concur in that opinion, but I submit, Sir, that the positions are very different: I attend here on behalf of the parents of the deceased *as an accuser*, whilst the attorney mentioned, in your opinion, *was defending* the accused ; besides, I trust I am incapable of behaving with indecorum, as it appears the person did, to whom your case alludes. As to the right of note taking, I can only say, that I consider any person has a right to take notes of what passes in a public court of justice. My only anxiety, however, is, that the investigation should be proceeded in immediately, for it is monstrous that any delay should take place

in inquiring into the causes and circumstances of the death of a fellow creature who has lost his life by violence. Many witnesses have come here a second time from a considerable distance, some of whom are weak and ill able to bear the fatigue of travelling. I may not, perhaps, again be able to collect them, and if so, the Jury will lose the benefit of their testimony. Before you determine on this measure, you would do well to consider the consequence of a long and unnecessary adjournment of this Inquest, it being in a case of murder, where many are likely to be implicated who are now at large ; besides, it would not only afford a most dangerous precedent, but allow the suspected parties time to arrange and effect an escape.

Mr. MILNE—I cannot help it, Sir ; I cannot take the Inquest ; I have not seen the body, and I understand it is buried.

Mr. HARMER—But Mr. Battye has, and if your not having seen the deceased, is an objection to your entering into the investigation, it may be presently removed by his disinterment ; and, allow me to say, that such an objection will apply with more force to Mr. Ferrand's proceeding, because, as he is at Lancaster, he will not be able to see the body until a much later period than yourself.

Mr. MILNE—Well, Sir, I shall not stop to altercate ; the Inquest must be adjourned till Mr. Ferrand is himself present ; and it is desirable that it should stand over, that party feelings should be allayed on all sides, so that the investigation may be commenced with coolness and temper.

Mr. PEARSON, (*who had just before entered the room*)—There appears, Sir, to be a strange change in your opinion since last Saturday, for no idea of party feeling then prevented you from proceeding with the Inquest on DAWSON ;* although I had requested the delay of a day or two on account of many material witnesses being at Lancaster.

Mr. MILNE (*addressing Mr. Pearson*)—I wrote to you to say I must proceed in the Inquest, and I have to complain of gross misrepresentation in reporting the verdict of that Jury. Whoever sent it to the press omitted the last sentence, which alters the sense ; and if I could find who did it, he should be proceeded against.

Mr. HARMER was about to make some further remark to Mr. Milne, but the latter hastily quitted the room.

Mr. BATTYE—I have heard from Mr. Ferrand, and he will be home in a week ; but I think it will be best to adjourn it for a fortnight ; and as we can have a larger and more convenient room at the sign of the Angel, in this town, the Inquest will meet there. Mr. Harmer, if it will be any accommodation to you, I will say to-morrow fortnight.

Mr. HARMER—I thank you, Sir ; but if the business is to stand adjourned for such a length of time, it is a matter of indifference to me whether it is a day earlier or later.

* This man, Dawson, had died in the Infirmary at Manchester, in consequence of a sabre wound, which he received on the head, on the 16th of August, at Saint Peter's Field.

MR. BATTYE—Well, then I will say to-morrow fortnight. Gentlemen of the Jury, I now adjourn this Court ; and you are desired to attend on Saturday, the 25th instant, at eleven o'clock in the forenoon, at the sign of the Angel in this town.

ADJOURNED TO SATURDAY, SEPTEMBER 25, 1819.

Third Day.

AT THE ANGEL INN, OLDHAM.

SATURDAY, SEPTEMBER 25, 1819.

At eleven o'clock this day, Mr. FERRAND, the Coroner, accompanied by his son, and several other gentlemen, among whom were Mr. RADLEY, and Mr. COWPER, entered the Court-room ;* and, on the Coroner's arrival, Mr. DENISON introduced him and Mr. HARMER to each other, and the usual expressions of courtesy passed between them.

The CORONER (*to the Jury*)—The Gentlemen of the Jury will answer to their names, and save their fines.

The Jury, whose names have already been given, were then called, and they severally answered, and were sworn.

The CORONER (*to the Jury*)—Have you all seen the body of the deceased ?

FOREMAN OF THE JURY—We have.

The CORONER—Gentlemen, notwithstanding the very extraordinary proceedings that I understand took place during my absence, and the shameful misrepresentations that have gone forth to the world respecting me, I see no reason why this Inquest should be conducted differently from others ; I shall, therefore, not deviate from my usual course on this occasion, but take this Inquest in the same manner as I have been accustomed to do all others. (*To the Constable of the Township*)—Mr. Constable, have you any witnesses ?

MR. MELLOR (*Constable of the Township of Oldham*)—Yes, Sir, I have.

The CORONER (*addressing the auditors, among whom there were several Reporters*)—Gentlemen, I wish it to be distinctly under-

* The room prepared for the Coroner's-Court at the Angel was about ten yards by six, and the same in which the Magistrates of that division hold their petty Sessions. It was divided in the centre by rails about three feet high ; the inner division was appropriated to the Coroner and the Jury ; the other to the audience. In the middle of the inner space was a large table, at which the Coroner and five or six other persons, who appeared to be assisting him, sat. Chairs were placed on two of the angles for the Jury, and another angle was reserved for the accommodation of the Coroner's friends, or visitors of respectability. Mr. Harmer and Mr. Denison arrived shortly before the Coroner, and placed themselves at a table close to the rails on the auditors' side ; and several Reporters for public Journals took their stations near to the same place.

stood, that any person in this room who wishes to take notes of the proceedings, in the progress of this case, is at perfect liberty to do so; but I feel it my duty to prohibit any publication of the evidence until the case be closed; and even then, if the verdict of this Jury should be such as to render it necessary that further proceedings should take place before an Assize or Session, those notes are not to be published until after the proceedings are concluded at that Assize or Sessions. And I beg to observe, that it is the law; and the Judges have laid it down as a high misdemeanor, to publish *ex parte* statements of judicial proceedings while they are pending. I am sorry to say, that a gross misrepresentation has appeared in some of the papers, of what passed at the former proceedings in this case. From whence that statement proceeded, I don't know; but, I can assure you, it did not proceed either from myself or my clerk. It is my wish and intention, as it is my duty, that I should proceed in this Inquest with the utmost impartiality, without reference to any person or opinions whatever. I am to sit here to administer justice, and it is my determination to do so to the utmost of my power.—(*To the Constable of the Hundred*)—Mr. Mellor, who is your first witness?

Mr. MELLOR—The father of the deceased.

ROBERT LEES called in, sworn, and examined, by the CORONER.

Q. Are you the father of the deceased?

A. I am.

Q. Did he live with you on the 16th of August last?

A. Yes, he did.

Q. At what time did he leave your house on the morning of the 16th of August last?

A. He left my house, as I suppose, between eight and nine o'clock on that morning.

Q. Did you know he was going to Manchester?

A. I did not.

Q. What was the state of his health before he went to the meeting?

A. He was as hearty as ever he was since he was born, when he went away.

Q. When did you next see him?

A. I saw him the next morning between eight and nine o'clock.

Q. Where was he then?

A. In the factory.

Q. What was he doing there? Was he at work?

A. No; he was standing at the top of the landing in my factory. I desired him to rove for me.

Q. Did you see that he was hurt?

A. I saw his shirt all over blood.

Q. How did you see that?

A. He had his coat and waistcoat off.

Q. Did he do any work?

A. I judged he was unable to work: and, feeling angry at his having been to the meeting, I told him if he could not work, he must go to the Overseer, for I would not support him.

Q. Well, what did he say to that?

A. He never spoke; and I said no more.

Q. Did he go to his work?

A. He attempted to work that day, but he could not.

Q. Did any body else see him besides you?

A. Yes; one of the men named Yorke saw him too.

Q. Had you any conversation with him after this?

A. Yes; I had on the Sunday but one following. He was then washed and cleaned, and he said he was going to walk out, and he asked me to give him some money, and I gave him two shillings to get some nourishment.

Q. Was he in pretty good health then?

A. No; he had been very ill all the time.

Q. What means did you take to know what was amiss with him?

A. I did not take any particular notice of him, because I thought he would get better; but my mistress can tell you a great deal better than I can about him.

*Mr. HARMER—(To the Coroner)—*You will find, Sir, that the young man had medical assistance; he was attended by Mr. Earnshaw, a surgeon.

Examination of the Witness resumed by the CORONER.

*Q. (To the Witness)—*When did you first see blood on his arm?

A. On the Tuesday morning.

Q. And yet you did not go to any doctor to assist him?

A. No; he went to the doctor of his own accord; not by my direction.

Q. To what doctor did he go?

A. To Mr. Earnshaw.

Q. Did he live with you?

A. Yes; he eat and lodged at my house till his death.

Q. How did he appear? Did he walk about as usual?

A. No: he laid down on the bed frequently; as he said it eased his arm.

Q. How long did he remain in this way?

A. He kept every day growing worse and worse, till the time of his death.

Q. And yet you tell us you took little or no notice of him?

A. I did not interfere any more than I have told you.

Q. Why were you so apparently indifferent to his situation?

A. Because I thought he would get better; and I did not think there was any danger until the day but one before his death.

Q. When did he at last die?

A. He died about half-past one on Tuesday morning.

Q. When did you begin to think he would not get better ?

A. It was on the Sunday that I saw the great change in him.

Q. Did you then get any further assistance or help for him ?

A. No, I did not.

Q. When did the doctor first begin to attend him at your house ?

A. I don't know when he commenced : my mistress can tell you that ; but I know he attended him for some time at my house.

Q. When did he first keep his bed ?

A. He kept his bed entirely from Saturday night till he died on the following Tuesday morning.

Q. Had you any conversation with him in which he said he was aware of his approaching death ?

A. No, I had not.

Q. To what do you attribute his death ?

A. I imagine he died of the wounds and crushes he received.

Q. Did you see the injuries he had received ?

A. No, I did not ; but there are others who did.

Q. What sort of a life did he lead ?

A. He led a sober life ever since that time.

Q. Have you not seen him intoxicated since ?

A. No, I have not ; he has not been intoxicated since.

Q. What were his habits before, as to sobriety ?

A. He drank a little, sometimes, on a Saturday night, after work, but he was generally as steady as any body in this town ; that I know.

Q. Of how many persons does your family consist ?

A. My wife Hannah, a daughter named Sarah, and two sons, named James and Benjamin.

Q. Did they all live with you during your son's illness ?

A. Yes, they did.

Q. Well, I have nothing more to ask you. (*To the Jury.*)—Have the Jury any question they wish to put to this witness ?

A JUROR—(*To the Witness*)—Did your apparent carelessness in not attending more particularly to your son arise from supposing his mother would pay him proper attention ?

A. Yes ; and she did pay him every attention. I knew he would be as well looked after as if I was present all the time.

The CORONER—(*Addressing himself to Messrs. Harmer and Denison*)—Have you, gentlemen, who are attending here for some purpose or other, any question to ask this witness ?

Mr. HARMER—(*To the Coroner*)—I thank you, Sir, we have none to put.

(*The witness was here ordered to withdraw.*)

The CORONER—If there are any witnesses present, I think they had better withdraw, on whichever part they are attending.

Mr. HARMER—I perfectly concur in the propriety of the measure. It will be highly proper that the witnesses should be examined separately ; but (*to the Coroner*) I presume the exclusion need not be enforced as to the medical gentlemen ?

The CORONER—No ; they may remain.

All the witnesses, except Mr. BASNETT, Mr. EARNSHAW, and the Medical Gentlemen, here withdrew, in pursuance of the Coroner's orders.

Mr. MELLOR—(*The Constable of Oldham, addressing some one in the Gallery of the Court-room.*)—Come down; you must come down, I say.

The CORONER—(*To Mr. Mellor*)—What is the matter?

Mr. MELLOR—(*To the Coroner*)—It is one of our witnesses, and I want to send him out of Court.

HANNAH LEES called, sworn, and examined by the CORONER.

Q. Are you the mother of the deceased?

A. I am his mother-in-law.

Q. Did he sleep at your house on the night of Sunday, the 15th of August?

A. Yes, he did.

Q. Did you see him on the morning of the 16th of August?

A. No, I did not.

Q. Did you know he was going to the Meeting at Manchester, on that day?

A. No; when I got up I supposed he was at work at the factory.

Q. When did you next see him?

A. I saw him in the evening, a little before dark.

Q. Where was he then?

A. He was standing at the gate, and I went and asked him to come in, and have his arm dressed.

Q. How did you know he was hurt, if you had not seen him before?

A. Some one had told me he was cut before I saw him.

Q. Well, what became of him?

A. He came in, had something warm, and went to bed.

Q. What was it he had?

A. He had some tea and toast.

Q. Did you see him after he was in bed?

A. No; I did not see him again that night. I did not go into his room, because I did not expect there was any thing so serious, until my son Thomas told me it was a foul cut.

Q. Who first told you he was wounded?

A. My son, James Whitaker, first told me he was wounded.

Q. When did you next see him?

A. I saw him again the next day, in the forenoon; he then had his breakfast in bed.

Q. What time did he get up?

A. I can't tell; but I saw him down stairs about eleven o'clock.

Q. Did you see his wounds then?

A. No, I did not.

Q. Did you inquire whether he was hurt any where else but his arm?

A. No, I did not.

Q. Did you do any thing to him, or see the cut on his arm?

A. No; I advised him to go to a doctor, and he went directly to the doctor. I saw him when he came back, and asked if he had his wound dressed, and he said he had.

Q. Well; what became of him after this?

A. The rest part of the week he lay in bed chiefly, and walked about.

Q. What do you mean by his laying in bed chiefly and walking about. Did he not go out of the house?

A. He remained in bed till two, or past two, in the day, and sometimes he stopped in the house, and sometimes walked out for a bit of fresh air; he was quite poorly, and used to throw up what he ate.

Q. Did you see him throw up his food?

A. No.

Q. Then how do you know it?

A. I saw him go out of the door, and heard him reaching; and when he came back, he said he had thrown up his food, and that every thing came up.

Q. When did he get worse?

A. On Wednesday in the second week he began to grow worse.

Q. Did the doctor attend him during this time?

A. He regularly applied to the doctor till the Wednesday, and had what he wanted. After that day Mr. Earnshaw came to the house.

Q. What was the first day Mr. Earnshaw visited him?

A. He came on the Thursday.

Q. What did the doctor say about him?

A. I had not much conversation with the doctor. I asked him what was to be done, and he ordered him medicines which were to be taken three times a day, and he took them.

Q. Did you see the wound?

A. Yes; I saw it twice—once on the second Saturday, and once before; it was on the right elbow.

Q. Did you see any other wound?

A. No, I did not.

Q. What was the appearance of the cut on the elbow?

A. It seemed to be in a healing state.

Q. What like cut was it?

A. It was about two inches long, and the opening about the breadth of my little finger.

Q. Did you not see it afterwards?

A. I don't remember seeing it again. It hurt me to see it, for it was a very foul cut, although in a healing state.

Q. Did he say he was hurt any where else?

A. He complained of his left shoulder very much.

Q. When did he first complain of that?

A. After he grew worse, and I was obliged to raise him up to drink.

Q. When was this?

A. It was nearly a week before he died. The first time I lifted him (about a week before his death) he made faces, and complained that his left shoulder was more painful than his cut arm.

Q. Did you examine it?

A. No, I did not.

Q. Why did you not?

A. Because he said it had no cut upon it, and he was afraid of its being stirred. Whenever he moved, or he was disturbed, he said he felt a violent pain.

Q. Did he complain of any thing else?

A. Yes; he complained of his foot too, and said, he thought it was swelled. I examined it, and found it had many purple spots on it, and it was swelled and inflamed up the leg.

Q. Which leg was it?

A. The left foot.

Q. Did he say what was the cause of it?

A. No; he said very little. After the accident he was very low and down-spirited.

Q. Did this appearance of the spots alarm you?

A. Yes; I was alarmed, and I asked my son if I should send for any other doctor, but he said, no; he did not think any one could do better for him than Mr. Earnshaw.

Q. Did you tell the doctor about the purple spots on the foot?

A. Yes; the next day the doctor came, and I was present when he examined it; he ordered a poultice, and I put one upon it; he regularly complained of his left side, and gradually lost the use of it.

Q. How do you mean, he lost the use of it?

A. He lost the use of his left arm, and the sight of his left eye, before he died.

Q. Did you attend him yourself?

A. I attended him daily, from the time he began to grow worse until he died.

Q. When did you observe the great alteration in him for the worse?

A. On the Wednesday but one before he died, there was a great alteration in him for the worse; he was taken with a severe coldness.

Q. Where was he at this time?

A. He was in bed; he had found himself ill early in the morning, and went to bed again.

Q. How soon after did he die?

A. On the Tuesday next but one, about one o'clock in the morning.

Q. Did the coldness you speak of continue with him until his death?

A. No; he was relieved from that coldness, and came regularly down stairs until Sunday the 29th, and did not particularly complain of pain.

Q. Did he go out on that Sunday?

A. He went to the doctor to get his arm dressed; he was then very poorly.

Q. Did he continue to come down stairs as usual?

A. After this Sunday he used to like to be in the kitchen for company; and my two sons carried him down stairs, for he was so weak he could not come down by himself, except on one occasion.

Q. When was the last time of his being down stairs?

A. On the Saturday before he died he was brought down, and had four or six leeches put on his temple. He was carried up on Saturday night, and never came down again.

Q. Had you any conversation with him respecting his health?

A. I asked him if he thought he should get better; he said he did not know. I asked if he had not got an inward injury by being crushed in the crowd. He said, no; he had not been in the crowd; it was done by the horses.

Q. When did this conversation take place?

A. This was on Saturday before he died.

Q. Did he say any thing more?

A. On Sunday and Monday he said very little; he could say "No" with difficulty.

Q. Did you see his clothes?

A. Yes; I examined his clothes; his shirt was cut in many a place, and his coat was cut over his shoulder and elbow.

Q. When did you see this?

A. I can't exactly say when I saw this; I did not at first think it would be so serious.

Q. What part of his coat was cut?

A. On his left shoulder the coat and waistcoat were cut through.

Q. What was the length of the cuts?

A. In one place it was an inch and a half: it was where he complained of pain in the shoulder.

Q. Was his shirt cut at that place?

A. I did not examine his shirt on his shoulder.

Q. Who washed his shirt?

A. I think Betty Ireland (who is below) washed his shirt.

Q. Was any other part of his clothes cut?

A. I cannot say; the top of the crown of his hat was off.

Q. What sort of a hat was it; was it an old one?

A. I believe it was a middlingish good hat before he went to the meeting.

Q. Was his hat cut?

A. I did not particularly examine it to see if it was cut; but I saw the top was out.

Q. Did he go out much after he was wounded?

A. He was not often out of the house in the first week; he walked out sometimes.

Q. Do you remember his going out at any time in particular?

A. On the Sunday before he died I heard him say, he would take a walk towards Middleton; he asked me for a shilling.

Q. On his return did he say that he had been there?

A. No.

Q. What time did he go out?

A. About five o'clock.

Q. Did you see him again that night?

A. No, I did not; he often passed up stairs without my seeing him.

Q. What time did he go to bed?

A. I don't know what time he went to bed that night.

Q. When did you next see him?

A. I saw him at eight o'clock the next morning; he came down stairs.

Q. Did you not ask him whether he had been to Middleton?

A. No; nor did I hear him say whether he had been there or not.

Q. He was in the habit of drinking freely, I believe?

A. *I did not see him intoxicated in the least after he was hurt.*

Q. Was there not some difference in his appearance for the worse after he went to Middleton?

A. I did not see any; and he made no complaint.

Q. Without his complaining, could you not perceive an alteration in him?

A. I did not examine him, but told him to get his breakfast.

Q. Did you never see him intoxicated at any time after going to the meeting?

A. No; I never saw any sign of intoxication, or that he had tasted liquor; he was quite low and humble after the 16th of August, and he always refused liquor in the house when I asked him, except once he tasted a little wine and water with some women.

Q. Was he not unwell before he went to Manchester?

A. No; he was as healthy as any man in the factory; he had always been very sprightly, and was very regular to his work.

Q. Did you not hear him complain of pain in his breast?

A. He never complained to me; but somebody told me he had complained.

Q. Who told you so?

A. I quite forget; and whether it was any one in the house, or not, I cannot recollect.

Q. Did he ever complain in your house?

A. He never did.

Q. Will you swear you never heard him complain of a pain in his breast, within a week of the time he went to Manchester?

A. I will.

Q. Did he take any medicine before the 16th of August?

A. I never remember his taking physic before the 16th of August: I don't recollect any thing of the kind.

Q. I have heard that you said to Mr. Chadwick, that you did not wish for an Inquest, as the pain in his breast had occasioned

his death; and now recollect that Mr. Chadwick is here, and tell me whether you said so?

A. I did not say to Mr. Chadwick, that the pain in his breast occasioned his death. I did not want any disturbance about the matter, and I told Mr. Chadwick, that as he had lived so long after he was hurt, I did not think there would be any occasion for an Inquest.

Q. Did you give that as the only reason, without mentioning the pain in his breast?

A. I wished him to be buried without any disturbance; and therefore, I dare say, I might have mentioned to Mr. Chadwick, that I heard he had a pain in his breast.

A JUROR (to the Coroner)—Mr. Coroner, ought not Mr. Chadwick to leave the room?

The CORONER (to the Juror who spoke)—No, I think not; he knows what he is to be examined to, as well as I do.

The CORONER (to the Witness)—Did you assign the pain in his breast, as the cause why no Inquest was necessary?

A. I wished to put it off without any ado.

Q. Did you assign that as a reason, or as a part of the reason?

A. No, not exactly. I was no judge of the business; I did not know that he had a pain in his breast. My husband ordered me to send a man to Mr. Chadwick, to know whether there should be an Inquest. Mr. Chadwick sent the man to the doctor, to get a line from his hand.

Q. Who was present when Mr. Chadwick came to your house?

A. I do not recollect; Mr. Chadwick can best tell.

Q. Can you believe what Mr. Chadwick says?

A. Yes, certainly.

Q. Who went for the doctor?

A. I sent a man. He brought a line from Mr. Earnshaw, and I told him to take it to Mr. Chadwick; and Mr. Chadwick told me, he wished I had not told him any thing about it.

Q. When was it Mr. Chadwick said, he wished you had not let him know any thing about it?

A. I don't know whether it was when he brought Mr. Cox to inspect the body, or before.

Q. Was any other part of your family at Manchester with your son?

A. No.

Q. Do you know who was with him?

A. I do not; but Mr. Chadwick perhaps can tell you.

Q. He sent for one man, who was with him. Did any person see your son after his death?

A. Dr. Cox examined the body on the day it was buried;—the 9th of September.

Q. Had no other surgeon examined it previously?

A. No.

Q. The last time you saw the wound, before his death, it seemed to be mending?

A. Yes, it was drawing to a close; so that he could use his arm.

The CORONER (*to the Jury*)—Have any of you Jurymen any question to put?

A JUROR (*to the Witness*)—Have you ever heard John Lees say how he came by the cuts on his clothes, or his elbow?

A. No; he said very little.

A JUROR—When you told Mr. Chadwick you thought there was no occasion for an Inquest, did you say so because you believed he died of a pain at his breast?

A. No. He had been sometimes irregular in taking his meat; but I did not think any thing particular ailed him.

The CORONER (*to Mr. Harmer*)—Mr. Harmer, do you wish to ask any questions?

Mr. HARMER (*to the Coroner*)—With your permission, Sir, only two or three.

The Witness examined by Mr. HARMER.

Q. You have said, Mrs. Lees, that no medical men saw your son after his death, except Mr. Cox. Do you not recollect some gentlemen inspecting the body with the Jury?

A. I cannot recollect it.

Q. Look at these gentlemen, Mr. Earnshaw and Mr. Basnett; did not they see the body?

A. I saw some gentlemen turning the body over, which distressed me very much, and I went away; and I was so very much affected, that I do not recollect who they were.

Q. Who laid out the body?

A. Betty Ireland and James Clegg.

Q. You have told us, Madam, that your son was in good health and spirits before he went to the Manchester meeting. Was he sprightly and well, up to the very day before?

A. He was.

Q. Did his illness and lowness of spirits directly follow?

A. Yes, Sir.

Q. Did he gradually grow worse from the time he was hurt, until he died?

A. Yes.

Q. You have said, your son was frequently sick, and cast what he ate from his stomach. Had you ever observed this previous to the 16th of August?

A. No; not that I recollect.

Q. You have been asked, if he was not addicted to drinking; now I will ask you, if you ever saw him have the least appearance of intoxication, from the 16th of August, until he died?

A. No, I did not.

Q. You say, he once took a little wine and water. Did he not decline taking even this, until it was pressed upon him, and he was told it would do him good?

A. Yes. [*The Witness was now ordered to withdraw.*]

The CORONER (*to Mr. Mellor*)—Who is the next witness?

Mr. MELLOR—Betty Ireland, Sir.

BETTY IRELAND called in, sworn, and examined by the CORONER.

Q. What are you?

A. I am the wife of a shoemaker at Oldham.

Q. Did you know John Lees, the deceased?

A. Yes; I knew him from fourteen years of age.

Q. When did you first see him, after he was hurt?

A. I did not see him till after his death.

Q. What did you see about him then?

A. I have seen many dead people, but I never saw such a corpse as this, in all my life.

Q. Did you wash his clothes?

A. I did.

Q. Did any one assist you in taking off his clothes?

A. Yes, John Leech.

Q. Tell us if you saw any marks of violence on the body?

A. There was a bruise, and black, on the top of the right shoulder. It was more like a dark purple than black.

Q. What size was that?

A. The breadth of my hand, or more.

Q. Were there any more bruises about him?

A. The next part, I remarked, was his right hip; the skin was off in two places, as if it had been a scab. One place was smaller than the other.

Q. What caused these marks?

A. I don't know what produced them.

Q. What was the general appearance of the body?

A. If I must tell the truth, and the whole truth, there was hardly a free place on his back; it was exactly as if he had been tied to a halberd and flogged.

Q. Do you mean to say he was discoloured all over?

A. No, Sir; his thighs and legs.

Q. Have you not seen dead bodies discoloured, and might not these appearances have arisen from mortification?

A. I have often seen dead bodies discoloured, but I never saw one like this. I think his inside was putrified.

Q. Can you swear that all these marks were produced by violence?

A. I can't say that his breast and belly were not discoloured more than any other person's.

Q. Was any thing the matter with his feet?

A. One foot had a poultice on it. I took it off, but did not perceive any thing particular.

Q. How was the cut on his elbow?

A. It looked very sore.

Q. Did it not seem as if it had been mending?

A. No. I touched it, and took the plaister off.

A JUROR (to the Witness).—Did it bleed again when you saw it?

A. Yes, as fresh as if it had been just done. He bled most when he was put into his coffin.

Q. You say there were no marks on his breast?

A. Not that I saw; the marks I saw were on the back and sides.

Q. Did the other places bleed?

A. No; they did not.

The CORONER (*to Mr. Harmer*)—Mr. Harmer, do you wish to put any questions.

Mr. HARMER (*to the Coroner*)—I thank you, Sir.

The Witness examined by Mr. HARMER.

Q. How soon after the death did you attend to lay out the body?

A. Before the body was cold.

Q. I understood you to say, that you have assisted in laying out many persons after their death. Is that so?

A. Yes.

Q. And some of these have been discoloured?

A. Yes.

Q. Did any of those who were so discoloured die of violence?

A. No.

Q. And the discolourations on them had quite a different appearance from what the deceased's bruises exhibited?

A. Yes, Sir, quite different.

Q. The belly and breast had no marks or discolourations?

A. No; they were all on the back.

[*The Witness withdrew.*]

Mr. EARNSHAW was then called, and examined by the CORONER.

Q. Are you a regular Surgeon, and admitted at the College?

A. I am a regular Surgeon, but not admitted at the College.

The CORONER offered the book to swear the Witness.

A. I think it improper to take an oath. I belong to the Society of Friends.

Q. This being a criminal case, I shall not examine you unless you take the oath.

Mr. HARMER—Certainly, unless Mr. Earnshaw submits to take the oath, he cannot give evidence on this Inquest; and, as this is a case of great public importance, and one in which it behoves every man who has the least regard for public justice to give his assistance in elucidating, I trust this gentleman will dispense with the rigid regulation generally adopted by those of his religious persuasion; and, certainly, some cases have occurred within my own knowledge, where Quakers, to aid the purpose of justice, have consented to be sworn, and I will venture, Mr. Earnshaw, to say, that no instance ever happened in which it was of more paramount importance than the present, to deviate from the rule of your persuasion.

The CORONER—In such a case as the present I have known many persons of the same persuasion take the oath.

Mr. EAENSHAW (*after a considerable pause*)—I must decline being sworn.

The CORONER—Then, mind, you cannot afterwards be examined. You are aware of that?

A. Yes.

Mr. WILLIAM BASNETT called, sworn, and examined by the CORONER.

Q. Did you ever see John Lees?

A. Yes.

Q. When?

A. The day after his death.

Q. Did you ever see him whilst living?

A. No, Sir.

Q. At whose request did you go to see the body?

A. I was solicited to do so by Mr. Harmer.

Q. What was the state of the body when you saw it?

A. It was in a high state of putrefaction.

Q. Did you see any wounds about it?

A. Yes; there was a cut on his right elbow, about two inches long and an inch and a half deep.

Q. What was the appearance of this wound?

A. It was livid; and the mark extended to the shoulder. The bone was separated; when I bent the elbow the bone was protruded; the bone was cut partly in two.

Q. Did the place bleed or discharge?

A. I did not perceive that it bled; nor was there any running. If I had examined the wound when he was alive, I have no doubt it would have opened in the same way.

Q. Did the wound appear to be healing?

A. I can't say; because the appearances after death are so different.

Q. On what part of the elbow was the wound?

A. Just above the joint.

Q. Have you been in the room during the examination of the other witnesses?

A. I have.

Q. Were there any other wounds on the body?

A. There appeared to have been a cut or stab on the left shoulder; the part was black, and appeared to have been nearly healed up.

Q. What was the length of this cut?

A. About two inches long, as I judged by the scar.

Q. Do you think this could have occasioned any serious injury?

A. It did not appear to me that it could.

Q. Was any part of his body discoloured?

A. Yes; his shoulder, back, and loins, were very much discoloured; they appeared to be bruises from external violence.

Q. Was there any other mark or cut that you saw?

A. There was not.

Q. If you had not heard of any accident before his death, what should you think had produced this discolouration?

A. I should have thought it was produced by violence, inflicted with some blunt instrument.

Q. Do you mean to be understood to swear, that the mortification took place in consequence of the bruises and cuts?

A. I have no hesitation in saying that is my opinion.

Q. Could you tell as well by outward inspection as if you had opened the body, what was the cause of his death?

A. I could certainly have told better if I had opened it.

Q. If the mortification proceeded from the bruises, must he not have been in excruciating pain for some days previous to his death?

A. Undoubtedly.

Q. And would not gangrene have appeared round the other wounds?

A. I saw none except round the cut: the back and loins were more putrified than any other part of the body.

Q. Did you examine the foot?

A. No: I did not examine the foot.

Q. Could you have traced the same mortification on the day he died as you did afterwards?

A. Perhaps not. In some cases, if it had been very rapid before he died, it might have appeared, and particularly round about the abdomen.

CORONER—(to the Jury)—Have any of you any question to ask?

A JUROR—Do you believe he died in consequence of his wounds and bruises?

A. I believe the wounds and bruises caused the mortification. I only speak from general appearances.

Examination of the Witness resumed by the CORONER.

The CORONER—Might not those appearances have arisen from some other cause than external injuries?

A. I do not think they could.

The CORONER—(to Mr. Harmer)—Mr. Harmer, do you wish to put any question to the witness?

Mr. HARMER—If you please, Sir.

The Witness examined by Mr. HARMER.

Q. A witness has said that one of the wounds bled after the death of the deceased. Can you account for that circumstance?

A. I have known it frequently happen when the fluids were in a state of putrefaction.

Q. Would the loss of eye-sight, and of the use of the limbs, be a necessary consequence of an injury to the spine?

A. They would.

Q. Are coldness, sickness, loss of appetite, and dejection of spirits, also consequences which usually follow a similar injury?

A. They are.

Q. If the wounds and injuries were inflicted three weeks before the death, must they have been very considerable to have left those appearances which you saw on the body?

A. Yes, they must.

Q. Did the general appearances which the body exhibited, lead you to form an opinion of the cause of his death without further research?

A. Yes.

Q. In the first place, did you believe the appearances you have described were caused by violence and external injuries?

A. Yes.

Q. You have told us you did not open the body?

A. No.

Q. Then I will ask you, whether or not the appearances were quite sufficient to enable you to form a judgment of the cause of his death, without opening the body?

A. Yes.

Q. Have the goodness to tell us now, Sir, what you think was the cause of his death?

A. Cutting and maiming.

Mr. HARMER—(to the Coroner)—I have no more questions to ask, Sir?

Re-examined by the CORONER.

Q. If his spine had been injured on the 16th, could he have walked about?

A. Yes, he might a little, for a few days after; but if a very great injury had been done to the spine he could not have walked.

Q. Did you ever know a person to become convalescent after an injury to the spine?

A. After a slight injury a person may not at first discover it, but a paralysis of the limbs often follows.

Q. If the spine was injured on the 16th, would he have had more pain at first than a fortnight afterwards?

A. I should think not.

The CORONER—(to Mr. Harmer)—Is there any other medical man you wish to examine?

Mr. HARMER—(to the Coroner)—No, Sir.

Mr. JOHN COX called in by the Constable, and sworn.

The CORONER—Did you attend the deceased before his death?

A. No, I did not.

Q. When did you view the body, and by whose order?

A. On Thursday afternoon, by order of the constables.

Q. Tell us, Sir, what observations you made?

WITNESS—May I refer to notes?

Q. Yes, if you took them at the time.

A. I took them very shortly at first, and wrote them out afterwards.

Q. Very well, you may refer to them.

Mr. HARMER—(*to the Coroner*)—I submit, Sir, that unless they are the original notes the witness is not entitled to refresh his memory with them, if those he first took can be produced; but I make no objection to this gentleman making use of the memorandums he now has here.

Examination resumed by the CORONER.

Q. Were there any wounds in the body?

A. There was a transverse cut across the large bone of the lower arm.

Q. What was the description and size of that cut?

A. I took my box-measure to measure it accurately.

Q. Yes, Sir.—What then was the length of the cut?

A. It was an inch and a half long, and was open about an inch at the widest part.

Q. Tell us, Sir, what was its depth?

A. It was about an inch deep; but I can't say exactly how deep it had entered the joint. It had taken the extreme point of the bone away. It was a little oblique, as if it were done by a sword, while the man's arm was raised over his head. I took out a small piece of bone with my thumb and finger, which was partially loose.

Q. What do you suppose was the size of the bone you took out?

A. It was not larger than a sixpence, and like a shell. The wound had not been closed, and there was some grit, or small pieces of bone, in the wound. The lips of the wounds had no marks of inflammation to any degree or mortification.

Q. If you had seen it while he was living, what should you suppose would have been the state of it?

A. I cannot tell exactly, as the wound was clear from *pus*, or blood, when I saw it; and I suppose it had been washed clean.

Q. Do you think the man had been properly treated?

A. I do not know; there were some pieces of bone left in the wound.

Q. What other marks of external violence did you discover?

A. On the left loin there was a bruised space as large as my hand; this was over the short ribs, and from the feel of it, I considered the part had been inflamed, and that there had been some exudation; that is, some air infused into the cellular membrane. There was neither putrefaction nor mortification, but an approach to putrefaction after his death.

Q. Were there marks of any other bruises?

A. There was one on the right side of the back, but not so violent. The discolouration was as large as my extended hand; it was something similar to the other, but not so violent. There were two marks over the hips; the cuticle was cut, and the marks were in a state of ulceration; there was a blackness and a purple colour on them, and they appeared to have been produced by violence. From the two bruises on the loins, to the back of the neck, there were no bruises of any consequence; indeed, I think I may say none.

Q. Did you observe any wound on his shoulder?

A. I examined both his shoulders, and there was no breaking of the skin, or any wound, that I could discover. The clothes, I was told, were cut over the shoulder ; but if it was done by a sword, it must have been with the flat side, because the skin was not penetrated.

Q. Were any other parts of the body discoloured ?

A. The neck and throat were inflamed and livid.

Q. What do you suppose was the cause of this discolouration in the throat ?

A. *I should suppose from external violence.*

Q. Have you ever seen the same discolouration in the throat of a person where there had been no violence ?

A. I don't recollect.

Q. Was the discolouration deeper than in cases of death, where no violence had been committed ?

A. Yes, it was.

Q. How far did it extend ?

A. All round the neck.

Q. From what kind of violence, think you, did it proceed—a blow, or what ?

A. Strangulation might have done that in front of the neck, but not at the back. If violence was the cause, it must have been occasioned by more than one blow.

Q. How do you think the injury was produced ?

A. I can form no opinion how it was done. It was tumoured, but the skin was not broken.

Q. Would not the appearances of violence and blackness have been perceivable when he was alive ?

A. Certainly, the throat would have been tumefied and red, during life.

Q. Were there any other marks that you observed ? Did you see any thing the matter with his legs ?

A. No ; I did not examine the legs. The people were waiting to bury him ; and, as his stockings were on, I did not think it necessary for them to be taken off.

Q. Can you account for the deceased losing the use of his limbs ?

A. The paralysis might have been occasioned by the injury on the neck. I put my hand very carefully all over the head, and saw no injury done to it ; and there was no external injury on the breast.

Q. Was there any injury on the spine, as you saw ?

A. I could discover no appearance of any, and I should think there was no injury done to it.

Q. Were any of the ribs broken ?

A. No.

Q. Was any injury done to the abdomen ?

A. None.

Q. You opened the body ?

A. I did, and observed the omentum.

A JUROR (*to the Witness*)—Pray, Sir, speak out ; we do not hear a word you say, and do not understand you.

(Mr. Harmer had also frequently complained that the witness sat so close to the Coroner, and gave his evidence in such a whispering tone, that he could not hear him.)

A. Well, I will explain. The omentum is that part which covers the intestines, which is generally called the caul. This was in a high state of inflammation; that part lying near the bruise was most inflamed. The small bowels were also inflamed. On moving the body, much blood gushed from the mouth and nostrils. On opening the *larynx*, or windpipe, it was full of blood. The right lobe of the lungs was full of blood. The right cavity of the thorax contained much blood, which might have been occasioned by accident, as I was using the knife, when raising the breast. I could not see how else it could have come there. The *mediastine* was slightly inflamed, and the right inner membrane of the *pericardium* was inflamed also.

Q. Would these inflammations have arisen naturally after death?

A. I cannot say that. The heart appeared sound and healthy. There was no organic effusion appeared of a nature sufficient to be fatal, except in the right lobe of the lungs.

Q. What, in your judgment, was the cause of his death?

A. It is my opinion, without the least doubt, that he could not have died of the wound on the elbow. I am also of opinion, that if he lived till the 22d day after the injury (which he did), that if he had received proper surgical and medical assistance—(I mean no reflection on any one)—but if copious quantities of blood had been taken from him, as I should have done, the injury might have been checked.

Q. Were there any appearances of his having been properly bled?

A. No, there were not.

Q. If copious bleeding had been resorted to, do you think he would have recovered?

A. It is very probable he might.

Q. Had he been bled at all that you saw?

A. There were no appearances of his having been bled in the arms or neck, which are the usual places for bleeding.

Q. Do you think the appearances on the back were sufficient to cause death?

A. I think the bruise on the loins communicated the inflammation to the *omentum*; and thus the inflammation proceeded through the bowels, which might have been checked by bleeding.

Q. Could you have discovered this from external observation?

A. No. I did not discover it until I opened the body.

Q. From general appearances external and internal, what do you consider was the cause of his death?

A. According to my opinion, the immediate cause was the suffusion of blood into the lungs, which I do not think was caused by the bruise on the thorax.

Q. How do you account for it then?

A. I could not account for it.

Q. Was there any external violence on the lungs?

A. There was not.

Q. Was his death occasioned by mortification?

A. It was not, I saw no mortification.

Q. If the injuries were not so severe as to cause death in less than twenty-two days, was there not time for medical aid to have checked these effects?

A. There was.

Q. Can you positively say that his death was occasioned by external violence?

A. I cannot distinctly say it was.

Q. Can you undertake to say that the internal state of the body was occasioned by external violence?

A. I cannot decidedly say it was occasioned; although external violence might have increased it.

Q. To what cause can you attribute the blood in the lungs?

A. If he had had a disposition to inflammation in his breast, the inflammation occasioned by the external bruises might have increased it, so as to cause the rupture of a blood vessel, and thus occasion the suffusion of blood that appeared in the lungs.

Q. Could you form any idea of what means or weapons the bruises on the back were produced?

A. No, I could not.

Q. Could you perceive by the lungs whether he had had any cough?

A. No, I could not.

Q. Can you account for the internal appearances?

A. I cannot; but I think the external marks would not have appeared from the internal inflammation.

Q. Is it possible that the internal appearances might have existed without external violence?

A. It is possible they might; but that is only conjecture; the inflammation might have existed without violence, but, I think the appearances of the abdomen was produced by external violence. I think the injury done to the thorax might have occasioned paralysis, especially as the tumour in the neck was inflamed. But if I had attended the deceased during his illness, I could have explained many circumstances more satisfactorily than I can now.

Q. What do you think caused the appearances in the breast?

A. The rupture of a blood-vessel.

Q. If his death was occasioned by external violence, at what time should you think that violence had been inflicted?

A. I think, if it were occasioned by external violence, that it was done rather on the sixteenth of August than earlier.

Q. Do you know what medicines he had taken?

A. No, I do not; the smell of Palm oil, which is used with marsh mallows, was very predominant, and indeed more so than that of putrefaction.

Q. Can you tell what caused the pains in his legs and about his shoulder?

A. I should think they proceeded from the internal state of the body.

The CORONER (*to the Jury*)—Would the Jury wish to ask any questions of the witness?

A JUROR (*to the witness*)—Do you think all danger might have been removed by bleeding?

A. I saw nothing the matter with him but what might have been remedied by bleeding.

JUROR—Do you consider his death to have been occasioned by neglecting copious bleeding?

A. I think if he had been copiously bled, he might have recovered.

JUROR—Was the disorder which caused his death occasioned by external bruises?

A. I think the bruise occasioned an inflammation, which extended slightly to the bowels.

JUROR—What do you suppose to be the immediate cause of his death?

A. The most skilful anatomists are often at a loss to find the real cause of death. I think the immediate cause was the suffusion of blood on the lungs; but I am confident it did not proceed from the wound on the elbow.

The CORONER (*to Mr. Harmer*)—Would Mr. Harmer wish to put any question?

The Witness examined by Mr. HARMER:

Q. When did you first see the body of the deceased?

A. On Thursday afternoon.

Q. That, I believe, was after the Jury had seen it.

A. Yes, I believe it was.

Q. Did you not learn that Mr. Earnshaw the Surgeon had attended the deceased during his illness?

A. Yes, I did.

Q. Is it not the usual courtesy with gentlemen of your profession, when called in as you were, to require the presence and assistance of the gentleman who has attended the patient?

A. It may be.

Q. Is it not the constant course?

A. I believe it may be.

Q. What may be, is no answer to my question. Do you not know it to be uniformly the practice?

A. It is.

Q. Then I ask you, Sir, did you send for Mr. Earnshaw?

A. No, I did not.*

* "One cannot help regretting that the course which is usually proceeded in, I believe, by medical gentlemen, was not adopted on the present occasion; and that this gentleman had not desired to meet the former practitioner in consultation, to ascertain what had been done; what had proved ineffectual; and in short, to be fully apprised of the previous state and treatment of the deceased."—Vide Mr. Baron Garrow's charge in *Fairchild v. Graham*. *Essex Summer Assizes*, 59 Geo. III. *Dowling's Nisi Prius Cases*.

Q. Was it not material, to enable you to form a correct judgment, that you should learn from Mr. Earnshaw the symptoms of his patient, and the treatment he had adopted?

A. Yes, and if Mr. Earnshaw had been a regular practitioner, I should have desired his attendance; but, as he was not, I sent to another professional gentleman in this town to accompany me to open the body; but he was from home.

Q. Do I understand you to say, that you are of opinion that the external bruises were the cause of his death?

A. It may be, he might not have died, but for them.

Q. Do you mean to say there were not sufficient external appearances to account for the state of the lungs?

A. I do.

Q. Can you undertake to swear that the rupture was not occasioned by external violence?

A. No, I cannot.

Q. Have you ever seen a body in such a state internally, without external violence?

A. I think I have.

Q. Do you mean to say that you ever saw a body in a state precisely similar?

A. No, I cannot say I ever did.

Q. Might not the external injuries be the primary cause which led to the inflammation internally, and thus bring on the rupture of the blood vessel?

A. I cannot say that.

Q. Can you undertake to say that the external injuries were not the primary and ultimate cause of his death?

A. No, I cannot, I do not know why he died.

Mr. HARMER—Then, Sir, I will ask you no more questions.

The Witness re-examined by the CORONER.

Q. If the state of the lungs had been occasioned by bruises on the 16th of August, could he have gone to Middleton?

A. No, he could not.

Q. If his injuries had been so serious as to lead to his death, would he not have been likely to complain?

A. Yes. But I understood he was afraid of complaining to his father on account of the circumstances under which he received the injury.

Q. How do you know that?

A. By the conversation of the people in the neighbourhood, who knew the family.

Q. Had he any other complaint?

A. I saw no appearance of any other about him.

Q. If the lungs had been injured before the 16th, would he not have had a difficulty of breathing?

A. He would, and perhaps a cough.

JAMES CLEGG called by the Constable, sworn, and examined by the CORONER.

Q. What are you ?

A. I am a spinner.

Q. Did you know the deceased, John Lees ?

A. I have known him five years, and worked in the same factory with him.

Q. Did you see him on the morning of the 16th of August last ?

A. I did.

Q. Where did you see him ?

A. At the factory.

Q. At what time ?

A. Between eight and nine o'clock in the morning.

Q. Did you see him again that day after that time ?

A. Yes ; I met him coming home from Manchester about 5 o'clock that evening.

Q. Did you have any conversation with him ?

A. He said he was wounded, and I saw clotted blood on his arm.

Q. Did you see that he was wounded ?

A. I saw he was wounded about half-past six the next morning, when he came to the factory.

Q. Did he do any work ?

A. No, he remained about an hour, but did nothing.

Q. Where was he cut ?

A. I saw a cut on his arm.

Q. How came you to see it ?

A. I asked him to let me look at it, and he showed me his right elbow.

Q. Did you see any of his clothes that were cut ?

A. I saw the hem of his waistcoat, which he said was cut.

Q. Where was it cut ?

A. On the left shoulder.

Q. How long was the cut ?

A. It might be a quarter of an inch.

Q. Did he complain of being cut any where else ?

A. No, he did not.

Q. When did you see him again ?

A. I saw him again the same evening going to the doctor.

Q. Did you see him at the factory after this ?

A. Yes, I did, in the course of a week or a few days after ; he was then throwing up his food, and he told me very little had passed him but in that way since the 16th of August.

Q. What time of the day was it that you saw him at the factory ?

A. It was about twelve o'clock.

Q. Did he say any thing more ?

A. He said he was poorly.

Q. How far distant was the factory from where he lived ?

A. It might be about 100 yards.

Q. Did he walk backwards and forwards by himself?

A. I never walked with him any way.

Q. Do you recollect seeing him walk out any where after that?

A. No, I do not.

Q. When did you next see him?

A. On the Thursday before he died; he was then very poorly, and I stopped up with him on the Sunday night.

Q. Did he say any thing to you while you were sitting up with him?

A. No, he could not answer any thing that was said to him.

Q. How many times did you see him in the factory after the 16th?

A. I suppose about four or five times; but I cannot exactly say.

Q. Did you hear him complain of pain in any other part except his arm?

A. No, I never did.

Q. Was he in good health before the 16th of August?

A. He was a hearty man for any thing I knew or saw.

Q. Did you ever hear him complain of a pain in his breast?

A. I never did.

Q. Were you very intimate with him?

A. No, I was not.

Q. Did you go about with him?

A. No, I did not.

The CORONER—(to the Jury and Mr. Harmer)—Will the Jury or Mr. Harmer ask this witness any thing?

The Witness examined by Mr. HARMER.

Q. Although you saw him at the factory four or five times after the 16th of August, did he ever attempt to work?

A. He never did.

Q. Was he a regular steady worker before that time?

A. He was.

Q. You were not very intimate with him, you say, and perhaps never asked him if he had any other hurt?

A. No, I did not.

Q. Were you present when Mr. Cox opened the body?

A. Yes, I was.

Q. Did you hear Mr. Cox say what occasioned his death?

A. He said that the bruises and not the cut had caused his death.

Q. Were any other persons present when this passed?

A. Yes; Betty Ireland and George Chadwick.

The Witness re-examined by the CORONER.

Q. Did not Mr. Cox say that bleeding might have prevented inflammation?

A. Yes, he did.

Q. Did you at any time see blood taken from him ?

A. Never, except by some leeches.

Mr. COX here requested permission to put some questions to the witness, which the Coroner granted.

Mr. Cox—(*to the witness*)—Did I not say that the appearances in the lungs accounted for his death ?

A. Yes, you did.

Mr. Cox—Did I not say that the deceased did not die of the cut in his arm, but of the injuries on his body.

A. Yes, you said he died from the bruises on the body.

[*The Coroner appeared not to be taking any minute of this examination by Mr. Cox, which occasioned the following suggestion from Mr. Harmer :—*]

Mr. HARMER—(*to the Coroner*)—Sir, I beg that the questions of Mr. Cox, which are most important, may be entered on your minutes, as well as the answers given by the witness.

The CORONER—(*to Mr. Harmer*)—I am attending to it, Sir.—(*To the witness*)—Witness, you may go.

THOMAS WHITTAKER called in by the Constable ; sworn, and examined by the CORONER.

Q. What are you ?

A. A cotton spinner.

Q. Where do you live ?

A. With Robert Lees, to whom my mother is married.

Q. Do you know any thing of John Lees ?

A. Yes ; I have slept and supped with him ever since Christmas, 1818.

Q. Did you see him on the 16th of August last ?

A. I did.

Q. At about what time ?

A. Betwixt nine and ten o'clock in the evening, on my returning home.

Q. How did he appear ?

A. He looked very pale. I discovered he was wounded. I undressed him, and pulled his shirt off.

Q. Did he go up stairs by himself ?

A. I went up with him ; he was very faint when he got to the top ; and I helped him off with his clothes.

Q. How did he seem then ?

A. He looked very ill, and his shirt stuck to his body, and the flesh was cut to the bone ; I saw and I washed it.

Q. What cuts did you see about him ?

A. I saw a severe one on his right elbow.

Q. Did he say any thing to you about his being hurt in any other part ?

A. Yes ; he told me that was not the worst, and he desired me to look at his shoes, how they were cut off by the horses.

Q. Did you see any marks on his shirt ?

A. I did ; it was cut and bloody.

Q. Did he show you any other marks of violence ?

A. No, he did not.

Q. Did you examine his shoes ?

A. Yes, and I found the shoe of his left foot cut off, and the leather torn.

Q. Did you sleep with him that night ?

A. I did.

Q. Were you in the habit of seeing him after this ?

A. I usually saw him only at night and early in the morning, as I was out at work through the day.

Q. Do you remember his walking out any where with you after he was hurt ?

A. Yes, one Sunday, he walked up to Oldham, to Widow Wright's ; but we stopped a very little time.

Q. Is that a public-house ?

A. It is, but we drank nothing there.

Q. Did he drink any thing that day ?

A. Yes ; he drank one glass of brandy and water at the King's Arms before four o'clock ; he would drink no more.

Q. At what time did you return home ?

A. We got home by five o'clock.

Q. Did he go to bed when he got home ?

A. He sat up about an hour.

Q. Did you go out with him after this ?

A. I went with him another time to Middleton.

Q. Was that on the following Sunday ?

A. It might be ; but I cannot exactly recollect.

Q. Did you drink any thing then ?

A. We took three pints of ale on the road.

Q. What did it cost you a-piece ?

A. What we drank in the Dusty Miller cost us 4d. each.

Q. Did you drink any thing more ?

A. In another place we drank a pint a-piece, three of us ; and at Westwood we had a quart amongst three.

Q. Who was the man that joined you ?

A. He was called William.

Q. Had you any other liquor ?

A. No other, but ale.

Q. Were you all sober ?

A. I cannot say we were ; the deceased might be rather tipsy like ; not what they call drunk ; he walked well enough.

Q. What time did you get home ?

A. It could not be much past twelve.

Q. Did he go out on any day after that ?

A. Yes ; he went to Stockport on Monday.

Q. When did he return ?

A. On Tuesday evening.

Q. Were you with him on that occasion ?

A. I was.

Q. At what time did you leave Stockport?

A. At six in the morning, and stopped in Manchester till two o'clock, and then came home.

Q. What did you have for dinner?

A. We had some roast beef with us.

Q. How often did you stop on your road to Stockport?

A. We stopped at four houses.

Q. What did you drink at these houses?

A. In three houses we had a pint betwixt us, and a pint a-piece at the last.

Q. What did you drink at Stockport?

A. Chiefly beer; we drank no spirits.

Q. Were you both sober?

A. There was neither of us tipsy.

Q. What do you call being drunk?

A. I call it drunk when I am not capable of doing any thing.

Q. What money did you spend?

A. In Stockport we spent 1s. 6d. a-piece, and 6d. a-piece back to Manchester.

Q. How did you go to Manchester?

A. We walked there, and came home in a cart.

Q. Did you drink any spirits?

A. No; we did not.

Q. When was the next time you drank together?

A. On the following Sunday we had a glass of brandy and water for 8d.

Q. How did he appear then?

A. He seemed well enough; and he never made any complaints to me.

Q. When was it he appeared to grow worse?

A. It was about the Tuesday he was worse and lost his appetite.

Q. Did he continue to grow worse?

A. Yes; he got lower and weaker 'till he died.

Q. Did he complain to you of any pain in his shoulders?

A. Yes; as we lay in bed on the Wednesday night he said he had a terrible pain in his shoulders, and he could not bear them to be touched.

Q. Was that the first time you heard him complain of his shoulders?

A. It was.

Q. Did he complain of any other pain?

A. Yes; on the Thursday night he complained of a pain in his left foot, and could not rest at all, and he lost the use of his limbs.

Q. Did your mother know of it?

A. Yes; and she told the Doctor of it, who ordered it to be washed and poulticed.

Q. How did he appear after this?

A. From Friday he had no knowledge at all of what was done or said to him.

Q. Did he complain till then of his shoulders and leg?

A. Yes; if any one touched it.

Q. When did he become speechless?

A. On Sunday.

Q. Did you see any cuts on his clothes?

A. I saw cuts on his coat at the back of his neck below the cape.

Q. How long were these cuts?

A. It might be a couple of inches.

Q. Was it cut through the shirt?

A. I believe not; but the skin was rather bruised.

The CORONER—(to Mr. Harmer)—Would you ask him any thing?

The Witness examined by Mr. HARMER.

Q. The liquor you usually drank, I think, was beer?

A. Yes; when we were at the wakes we drank only beer.

Q. And after the 16th you only once saw him take a small glass of brandy and water?

A. No.

Q. Was he ever drunk, to your knowledge, after he was hurt?

A. No; he often refused to drink when he was asked.

JOSEPH WRIGLEY called in by the Constable, sworn, and examined by the CORONER.

Q. Did you know the deceased?

A. Yes; I had known him about a month before the 16th.

Q. Did you see him on the 16th?

A. Yes; I met with him in Oldham.

Q. Did he seem well at that time?

A. He seemed in excellent health.

Q. Where did you see him?

A. It was at the bottom of the Bent.

Q. What time was it?

A. I first saw him about nine o'clock in the morning.

Q. Did you see him any more on that day?

A. Yes; I saw him in what is now called Peterloo's-field.

Q. How did he seem then?

A. He was in good health and spirits then.

Q. Had you seen him on the road to Manchester?

A. Yes; several times by mere accident.

Q. At what time did you see him at St. Peter's-field?

A. Just before Mr. Hunt came to the field, I saw him near the hustings; we were then both close together, with many women and children among us; there was a great commotion afterwards, which removed us from the hustings.

Q. Did you make any agreement as to going home together?

A. Yes; we agreed on the ground, but not before, to come away together.

Q. Did you see the cavalry coming in?

A. Not till the shout was made, and then they came riding in among us, and they advanced close up to the hustings.

Q. How long were you on the ground before that?

A. About half an hour.

Q. Did you see the deceased receive any hurt?

A. Yes; I saw him receive a cut on the back of his right arm from a sabre; he was parrying off the blows of one of the military, and another came and cut him; he had his right arm up over his head protecting it with a walking-stick.

Q. Did he attempt to strike with that stick?

A. No; he did not strike, but only parried off the blows.

Q. Where were you when you saw all this?

A. Close to him in the crowd.

Q. If you were in the crowd, how could you distinguish what was done to him?

A. He reclined back, which brought me forward, and I was then thrown down, and hurt myself, so as not to be able to work since.

Q. Then, when you saw him cut, you did not stop to assist him?

A. No, indeed; every one had to look to his own life.

Q. When did you next see him?

A. About eight o'clock; and I asked him to have something, but he refused, and said he would get home and have his wound dressed, as it was very stiff and the blood was running down.

Q. Did he complain of any other wound?

A. He said he had a wound on his back from a truncheon; but I did not see him receive it.

Q. Were there any cuts on his clothes?

A. I saw one on the back of his coat.

Q. Did you see any other wound given?

A. None but what I have before mentioned.

Q. Was there no disturbance before the soldiers came?

A. Not any. Mr. Hunt had only said a few words, and that was to be quiet and peaceable, and the soldiers came in directly.

Q. How long after Mr. Hunt's arrival did that take place?

A. I should think the damage happened about ten or fifteen minutes after; perhaps sooner; but there are persons here who saw the carnage begin, and can tell the time exactly.

Q. Had you not an opportunity of getting away?

A. No, we could not; the crowd was so thick.

Q. Which of the military came up first?

A. The Yeomanry Cavalry came first, and then the 15th Hussars.

Q. Which was it that struck the deceased?

A. They got so confused I cannot tell.

Q. How did you get away?

A. There was an officer who gave me an opportunity of escaping, or I should have been left dead on the field.

Q. Did they strike or cut in coming up to the hustings.

A. I cannot tell.

Q. Was there any way left open for the military to come up?

A. I cannot say whether there was or not ; but the people were running in every direction by which they could to get away.

Q. Was there any shouting ?

A. There was a shout from the people, and from the military, who were then standing still and waving their swords over their heads. The military then came, as fast as they could make their way through the people, up to the hustings.

Q. Could you see the horses ?

A. I could only see their heads when they were in the crowd.

Q. Did you see them cut ?

A. Yes ; they cut before I could get away.

Q. How far did they make their way through the crowd to get to the hustings ?

A. At least 100 yards.

Q. How far were they from you when they began to cut ?

A. About a dozen yards.

Q. Could you not have got away quicker ?

A. Yes ; we might perhaps, but we had no idea that they would cut us.

Q. Did the people make any resistance ?

A. Not the least.

Q. At what pace did the horses come in ?

A. I don't know.

Q. Did they walk or gallop, or how ?

A. I do not know ; they might walk or gallop, for what I could see.

Q. Did they cut any one before they came up within twelve yards of you ?

A. I cannot tell.

Q. Did they cut any person before they cut John Lees ?

A. They cut several more, but whether before the deceased was cut or not, I cannot tell.

Q. At whom did you see them cut besides John Lees ?

A. I saw them cutting at the carriage in which there were some women.

Q. Did they cut at you ?

A. Yes ; they cut through my hat.

Q. Did you see any one cut before John Lees ?

A. No ; I saw none cut before him, but many afterwards.

Q. Do you know who cut them ? whether it was the Yeomanry or the 15th Hussars ?

A. No, I do not.

Q. Did you observe whether those who were cutting had beards on their upper lips ?

A. No, I did not. But I heard an officer of the 15th say when I was down, "for shame, won't you give the people time to get away. Don't you see them down?"

Q. When you got up, were the soldiers still there ?

A. Yes, they were still cutting at the people, and I saw one of their swords broken some inches from the point.

Q. Was it for you that the officer interfered?

A. No, it was for all the people to get away.

Q. How many soldiers were there in your view at this time?

A. From half a dozen to a dozen, but I could not see any great distance.

Q. In what way did you make your escape?

A. I ran off behind the officer's horse, and went along with a body of the crowd.

Q. Did you see any cut while you were getting away?

A. No, I did not; I did not look behind me.

Q. Were the soldiers there?

A. No, they had gone another way.

Q. Was it a Yeomanry man who cut your hat?

A. Yes, he thrust the point of his sword through it, but did not strike me; I called to him not to murder me, and he struck no more at me.

Q. Did they hurt either you or John Lees in going up to the hustings?

A. No, they did not.

Q. Was it the persons who went first up to the hustings, or others, who cut John Lees?

A. I cannot tell.

Q. Can you say they struck any one in coming up to the hustings?

A. No; but I saw their swords going in all directions.

Q. What do you mean by all directions?

A. I saw them rising up, and falling down.

Q. At what time was this?

A. It might be about half past one.

Q. Had you any previous information that the military were coming?

A. None at all, till I heard the shout; and then I saw them coming.

Q. What did you suppose was their object in coming?

A. We believed they were coming only to arrest the speakers.

Q. And they did so, didn't they?

A. Yes, but they were not content with that; if they had been, John Lees would not be now dead, nor should I have been ill so long.

Q. Why did not the people disperse?

A. They did not give us time to get away.

Q. Did you not hear the Riot Act read?

A. No.

Q. Nor see any person having a paper in his hand?

A. No.

Q. Did you not see any person in coloured clothes come near the crowd?

A. No; none but those on horseback.

Q. Did you not hear a magistrate ordering the meeting to disperse?

A. No, I did not.

Q. Where were you before Mr. Hunt came?

A. I was on the hustings to have a view of the meeting.

Q. Did you remain there long?

A. No, I was anxious to get away; but I was trampled under the horses before I could escape.

Q. Did the soldiers speak to you, and desire the people to disperse?

A. They desired me to go about my business, and asked me if I would ever come there again; and whenever they struck, they said "Go about your business."

Q. Did they strike at Lees before he was cut?

A. Yes, many times.

Q. Upon your oath, did you never see Lees strike?

A. Upon my oath I never did; he only warded off blows by receiving them on his stick.

Q. Did Lees strike before he was wounded?

A. No, he did not; and I did not see him strike afterwards.

Q. Did you see any one attempt to strike any horse or soldier?

A. No, I did not.

Q. Did you see any thing thrown at them?

A. I did not.

Q. Did you hear any report of a gun or pistol?

A. Not at that time.

Q. Did you never hear John Lees say that he had dismounted one soldier?

A. I never did.

Q. You say two soldiers struck at him; was it the first who struck at him who wounded him?

A. No; he received the blow of the first on his stick.

Q. How did you get from the hustings?

A. I fell off the hustings.

Q. Was Mr. Hunt there when you fell from the hustings?

A. He was on the stage when I fell down.

Q. Did you see him taken into custody?

A. No; I did not.

Q. Did you see any horse or soldier down on the ground?

A. I saw none.

Q. How long was it from the time you fell, till you got off the ground?

A. I think it would not be above ten minutes.

Q. What became of you afterwards?

A. I went to my sister's, where I got myself washed, and had some refreshment.

Q. Had you often seen John Lees before this time?

A. Yes.

Q. Where had you seen him?

A. At a public-house; a news room.

Q. Who keeps the room?

A. Abraham ———, I don't know what you call him. These are questions that I do not think it is proper you should put to me.

Q. I put them to you, Sir, because I am not satisfied you know John Lees.

A. I can prove that, Sir, by many people.

Mr. HARMER—(to the Witness)—You have sworn it. That is enough.

The Examination of the Witness resumed by the CORONER.

Q. Do you know how often you saw him before the 16th of August?

A. I did not keep an account of the several times I saw him, or where it was.

Q. Have you not seen him at Public Meetings?

A. I have.

Q. When was the time you got particularly acquainted with him?

A. On the 16th of August.

Q. Did you see him after his death?

A. Yes, I did.

Q. Should you have known him then, if you had not been told who he was?

A. Yes, I should.

Q. Who fetched you to give evidence here?

A. Robert Neald.

Q. How was the deceased dressed on the 16th?

A. He had a brown coat and trowsers.

Q. What sort of hat had he?

A. It was none of the best.

Q. Did you see any thing particular the matter with his hat?

A. Nothing more than with any other hat that was much worn.

Q. Was the crown cut or torn off?

A. It was not.

The Witness examined by Mr. HARMER.

Q. I think you say, that you were hurt, and are now-unwell from the injuries you received on the 16th of August?

A. Yes, Sir.

Q. Had you, or had John Lees, to your knowledge, any intention to break the peace, or create any riot or disturbance on that day?

A. Not at all.

Q. Was there any disturbance or appearance of riot before the military entered?

A. Not the least.

Q. Were there many women and children among the crowd?

A. Many.

Q. Did the people appear all in good humour and well disposed?

A. They did.

Q. Were there any arms or offensive weapons among them?

A. Not any that I saw.

Q. Had you any thing of the kind?

A. No ; I had the handle of an old umbrella, which served me for a walking-stick.

Q. What did you suppose the people meant by shouting to the soldiers—did it appear to you as if it was to greet them as friends or otherwise ?

A. I thought they meant to show that they regarded them as friends ; and I understood the soldiers to return it with the same meaning.

Q. How long after the shout was it, before the cavalry advanced ?

A. A few minutes.

Q. Did you endeavour to get away before the soldiers began to cut ?

A. No, we did not.

Q. Did you find it impossible for you to get away ?

A. It was quite impossible.

Q. You have said you saw nothing thrown at the soldiers—I will ask you, whether, in a crowd so closely pressed together as you were, it would have been in the power of any person to stoop to the ground to get any thing to throw, if they had been so mischievously disposed ?

A. No, not even if they had wished it.

Q. Was any attempt made by any person, that you saw, to throw any thing at the military ?

A. None whatever.

Q. Was it in the morning, before you went to the meeting, that you noticed the hat of the deceased ?

A. Yes.

Q. Was it then, that you observed there was nothing particular the matter with it ?

A. Yes.

The CORONER (*to Mr. Harmer*)—Mr. Harmer, you put the questions in too leading a manner to the witnesses.

Mr. HARMER (*to the Coroner*)—I have, perhaps, done so, Sir ; but I assure you, my only motive was to save time ; but if you consider that such a mode of examination ought to be discontinued, I will be more careful in future, and endeavour to put my questions in an unobjectionable shape.

ROBERT NEALD called in, sworn, and examined by the CORONER.

Q. What are you ?

A. I am a hatter.

Q. Did you know John Lees ?

A. Yes ; I had known him for seven or eight years.

Q. Did you see him after he was wounded on the 16th ?

A. Yes, I did.

Q. Where ?

A. At the sign of the Shears, Newton Heath.

Q. How do you know he was wounded ?

A. Because he showed me one wound on his right elbow, and said he had another on his shoulder, which nobody had looked at.

Q. Did you then look at it?

A. Yes.

Q. What did you observe in it?

A. I observed what I thought a stab, and I saw his shoe was rent.

Q. What time was this?

A. About five o'clock.

Q. How came you to meet with him?

A. I saw him passing the window, and I called him in.

Q. Did you have any conversation with him?

A. Yes; as we were going home he pointed out Joseph Wrigley to me, and said, "That is the man who saw me have my wounds—he was with me;" they then met and shook hands.

Q. Did you know Wrigley at that time?

A. No, not then.

Q. Did you go to any public house?

A. Wrigley asked us to go into the Wool-pack, but the deceased refused, saying, his arm was stiff, and he wished to get home. This is the coat he had on.

[*The witness here produced the coat : there was a cut on the right elbow ; the sleeve was covered with blood, and there was a cut on the right shoulder. He also produced the shoe of the deceased.*]

Q. Where did you get these things?

A. I had them from his father.

Q. How do you know they belonged to the deceased?

A. I believe they were his.

The FOREMAN of the JURY—(*after examining the coat, said*)—I believe it to be the deceased's; for I have often seen him pass my warehouse with it. The colour is what is called a corbeau.

The CORONER—The coat may be his; but I must have the identity regularly proved.

Mr. HARMER—(*to the Coroner*)—It is very easy to call the parents to prove the fact, if the Jury wish further evidence on the subject.

The CORONER—I have no doubt of the identity, but wish to have it proved regularly.

Examination of the Witness resumed by the CORONER.

Q. When did you next see him?

A. On Sunday, the 29th.

Q. Did he complain of illness then?

A. He said he had lost his appetite, and that he was very ill.

The CORONER—(*to Mr. Harmer*)—Have you any questions to ask the witness?

Mr. HARMER—No, Sir.

The CORONER—(*to Mr. Harmer*)—I think we cannot well get through the business to-night, Mr. Harmer; what number of witnesses have you to be examined?

Mr. HARMER—(*to the Coroner*)—I should think at least fifty ; it will, therefore, be quite impossible to finish in less than two or three days ; and as the Jury have been kept many hours without refreshment, and as we have all had a most fatiguing day, I trust, for all our sakes, you will now adjourn.

The CORONER—(*to Mr. Harmer*)—Well, it shall be so, as it is now past nine o'clock.—Gentlemen of the Jury, you, and each of you, are enjoined to appear here on Monday morning next, at nine o'clock.

The CORONER now took the usual recognizances of the Jury to appear again at the time appointed, when the Court was

ADJOURNED TO MONDAY, THE 27TH OF SEPTEMBER.

Fourth Day.

AT THE SIGN OF THE ANGEL, OLDHAM.

MONDAY, SEPTEMBER 27, 1819.

At nine o'clock this morning the Coroner took his seat in Court, and the Jury having answered to their names, the proceedings were resumed.

MARTHA KEARSLEY called in and sworn.

Q. Where do you live ?

A. At Oldham.

Q. Are you married or single ?

A. I am single, Sir.

Q. What do you know about the death of John Lees ?

A. I was at Manchester, Sir, on the 16th of August last.

Q. How came you to be there ?

A. I went there on that day, to the Meeting.

Q. Well, what did you see there ?

A. I saw two soldiers striking at a man, and he was endeavouring to keep them off, when another came up and cut him on the back of the shoulder.

Q. Whereabouts did this happen ?

A. It was near the hustings.

Q. Where were you at the time, to see all this ?

A. I was sitting on the edge of Mr. Hunt's carriage.

Q. At what part of the carriage ; was it with the coachman ?

A. No ; I was sitting behind.

Q. Were there any other women on the carriage besides yourself ?

A. No ; there were persons within the carriage, but none on the outside except me.

Q. What time of the day was this ?

A. I can't say.

Q. How long had you been there before it happened ?

A. I don't know, Sir.

Q. Did you know John Lees ?

A. No, I did not.

Q. Why, how long have you lived in Oldham ?

A. Ten or eleven years.

Q. What distance do you live from Lees ?

A. I cannot tell, Sir.

Q. How long would it take you to go from your house to where John Lees lived ?

A. I could go from my home to his in five minutes across the fields, and in ten minutes by the streets.

Q. Was the deceased behind or before you ?

A. He was before me.

Q. But how was he with respect to the carriage ?

A. I was behind the carriage, and he was before me.

Q. That is no answer. You have not said in which way you were seated, whether with your face or back to the coachman : from your appearance you might be expected to give better evidence ?

A. I wish, Sir, to tell the truth.

[*The witness here described that the carriage was a landau, the top being thrown open. She sat on the hind part of the covering, with her back to the coachman.*]

Examination of the Witness resumed by the CORONER.

Q. Were the soldiers on horseback ?

A. They were.

Q. Did you know them ?

A. I neither knew them, nor the man that they cut.

Q. What coloured clothes had they on ?

A. I cannot say particularly ; but I saw they were soldiers.

Q. How long had the man been engaged with the two soldiers when the other came ?

A. Not many minutes ; he had been preventing their blows, when the third soldier came up, and struck him with a sword.

Q. Are you certain he struck him intending to cut him ?

A. I am sure he did.

Q. Did you hear him say any thing ?

A. I did not.

Q. Were there many men there at the time ?

A. Yes, Sir ; there were men on all sides.

Q. What became of him after he was struck ? Did he fall down, or go away ?

A. I cannot tell.

Q. Why, as you were looking at him, you must know ?

A. No, Sir, I don't. I was so struck with horror, that I turned round, and saw no more of him.

Q. Did you see any person out after this ?

A. Yes, many.

[*A note was here handed in to a Juror, by a constable.*]

Mr. HARMER (to the Coroner)—Sir, I perceive some paper given to one of the Jury. I am sure you will agree with me, that no communication ought to be made to the Jury but through you, and if the note relates to this business, it ought to be handed to you and made public.

The CORONER (to Mr. Harmer)—No step but what is regular shall be taken, whatever may be the consequence.

[*On explanation of the communication alluded to, it turned out to be a note from a person named James Mills, desiring that he might be called in to give evidence.*]

The CORONER—(addressing the Constable)—You must not hand any thing to the Jury without my first seeing it.

The Examination of the Witness resumed by the CORONER.

Q. Was the deceased the first person you saw struck ?

A. I can't say he was.

Q. Did you remain on the outside of the carriage ?

A. No; I got into the carriage for safety, and continued there till a constable came and opened the door, and I escaped by the way the soldiers had come.

Q. Where did you go to then ?

A. I went to my uncle's in Thomas-street, No. 45.

Q. Did you get there without molestation ?

A. Yes, Sir. I got out of the crowd, and ran up the street without any impediment.

Q. Where were the soldiers then ?

A. They were after the people in the crowd.

Q. Did you see any gentlemen on horseback ?

A. I saw only one.

Q. How was he dressed; in coloured clothes ?

A. No, he was in black.

Q. Did you meet with any soldiers ?

A. No, I left them all behind me.

Q. Does Thomas-street lead to High-street ?

A. It leads many ways, I can't say whether it leads to High-street.

Q. Woman ! You have more sense than you choose to let out. I won't be thus dealt with. Have you been five hundred or one hundred, or twenty-five times in Manchester ?

A. I can't say how often, because I was often carried there when a child.

Q. You must know I was not asking you when you were carried there as a child : give me a proper answer. How often have you been there since you grew up ?

A. I do not know.

Q. You know where the Bridgewater Arms lies?

A. I have seen it many times, but I don't know how far it is from High-street.

Q. Have you been so often in Manchester and don't know that?—How do you know High-street?

A. I know the streets by the names being painted up at the corners.

Q. I thought you knew more than you chose to tell?

A. But you asked me how they lay, and that I cannot tell.

Q. How many times did you see this man struck?

A. Once.

Q. Did you see any thing more of him?

A. I did not see the man or the soldiers any more.

Q. Where was he struck, do you say?

A. On the shoulders.

Q. Did you see Mr. Hunt?

A. Yes; I saw him come from the carriage to the hustings.

Q. Where were you then?

A. I was standing on the ground near the hustings.

Q. How far were you from the hustings?

A. I can't say particularly; I did not measure it.

Q. Is that the only answer you choose to give me, woman?

A. I have told you the truth, and I have nothing more to say.

Mr. HARMER (*to the Coroner*)—I beg pardon, Sir, for interfering; but really, Mr. Coroner, I cannot help saying you examine this witness in a tone and manner very different to what you did Mr. Cox.

The CORONER (*to Mr. Harmer*)—I believe I am as mild in examining her as I was examining Dr. Cox. But she has exhausted my patience.

Mr. HARMER (*to the Coroner*)—Forgive me if I differ with you on that point, and allow me to say, that in all the Inquisitions I have seen, the usual course has been to ask the witnesses to give their own account of what had come under their observation, and after they have concluded them, to question them if any thing remained unstated or ambiguous. This was your course with Dr. Cox, but this witness, you cross-examine in the outset.

The CORONER (*to Mr. Harmer*)—I believe I have seen as many Inquests as Mr. Harmer, and conducted them as well as he has seen them conducted.

Mr. HARMER (*to the Coroner*)—I have no doubt of that, Sir, but I thought you put the questions to the witness in a manner rather calculated to confound and perplex, than to extract the truth.

The CORONER (*to Mr. Harmer*)—I am surprised the witness does not answer otherwise than she does. When I ask as to distance, she answers "I did not measure it." Is that the right way of answering?

Mr. HARMER (*to the Coroner*)—I would not attempt to excuse or sanction any thing like pertness in a witness; but I think if I

could be allowed to examine her, she would give satisfactory answers.

The CORONER (*to Mr. Harmer*)—I thought she had been examined before. She knew what party she came to give evidence for.

Mr. HARMER (*to the Coroner*)—I assure you, Sir, I have not examined her. I did not even know her name till this morning, and I beg to say, I know of no party witnesses.

The CORONER (*to Mr. Harmer*)—I am for no party.

Mr. HARMER (*to the Coroner*)—God forbid you should be, Sir.

The CORONER (*turning to Witness*)—Your method of answering questions, and your refusal to answer, occasioned all this.

The WITNESS (*to the Coroner*)—I beg pardon if I have offended you, Sir ; I meant to speak the truth, and I have spoken the truth as far as I can.

Mr. HARMER (*to the Witness*)—Yes, but recollect you must speak the *whole* truth, and consider the gentleman's questions, and understand them well before you answer. Perhaps, as you appear distressed and fatigued with this long examination, the Coroner will allow you to take a chair, as all the other witnesses have been seated during their examination.

The CORONER—Yes, certainly, you may be seated.

Examination of the Witness resumed by the CORONER.

Q. How did you know that the man who opened the carriage door was a constable ?

A. By his having a truncheon in his hand.

Q. Did you see any person on the ground that you knew to be a magistrate or justice of the peace ?

A. Not unless the man on horseback was one.

Q. Do you know NADIN the constable ?

A. No, I do not.

Q. Do you know what became of HUNT ?

A. No, I took no notice of him after he left the hustings.

Q. How far distant was the carriage from the hustings ?

A. A very short distance ; not more than a yard, or a yard and a half.

Q. Did you see Mr. Hunt get on the hustings ?

A. I did.

Q. How long did he remain there ?

A. I saw him there for about a quarter of an hour, as near as I can guess, but the soldiers came among the people, and I did not see him taken away.

Q. Did the man who you saw struck, offer any violence to the soldiers ?

A. I did not see him, he only prevented the blows.

Q. Did he strike or throw any thing ?

A. Not that I saw.

Q. Had he nothing in his hand ?

A. I can't particularly say ; he had nothing that I saw.

Q. Did you see any of the soldiers off their horses ?

A. Not one.

Q. How long were you on the ground?

A. About half an hour or twenty minutes.

Q. Did you see or hear any thing of the Riot Act being read?

A. No, I did not.

Q. Was there any tumult?

A. None till the soldiers came in.

Q. What occasioned any tumult?

A. The soldiers coming and cutting and slashing among the people.

Q. Was the man in question the first you saw cut?

A. He was the first that I took particular notice of; but I saw them cut as they came up to the hustings to make the people give way.

Q. Did the soldiers come before or behind you?

A. They came before me.

Q. How many soldiers were there?

A. I cannot particularly say the number.

Q. Can you not give an idea of about the number?

A. I really cannot; if I could I would.

Q. Did you hear any cheering?

A. Yes; they cheered before the soldiers came up, when they were first in sight of the hustings.

Q. How long was it after they came in sight, that they came up to the hustings?

A. I could not have read two chapters in the Bible before they came up.

Q. Where did you first see the soldiers?

A. At one side of the crowd; they were then shaking their swords.

Q. Whereabouts?

A. It was on one side.

Q. You must be more particular.

A. I can't be more particular; they were on one side, very near to the people.

Q. Do you know who shouted at that end of the crowd?

A. I cannot say particularly, but there was a great deal of noise.

Q. In what order did the soldiers come to the hustings?

A. To the best of my knowledge they came two and two.

Q. Did they canter or gallop?

A. I can't say how fast they came.

Q. What coloured clothes did the soldiers wear?

A. I did not take notice.

The CORONER (*addressing the Witness*)—I have no more questions to ask you.

Mr. HARMER (*to the Witness*)—I am glad to hear that you read your Bible.

The CORONER (*to Mr. Harmer*)—I must now proceed regularly. I have allowed you, hitherto, to put questions because I wished for the fullest investigation; but as you have found fault with me, I

must therefore proceed legally. Can you give an instance in which you have cross-examined at an inquest?

Mr. HARMER—I never, Sir, knew a case in which it was necessary; and as I scorn to utter an untruth, I am ready to admit I never saw an instance of its being practised. At the same time I must inform you, that I have been professionally employed to attend inquests before Mr. SHELTON, the coroner for the city of London, than whom a more honourable and correct man does not exist; and I may venture to say, without fear of contradiction, that no man's opinion on the criminal law, or its administration, can be more respected than his; and this gentleman whom I have so attended, has permitted me to suggest questions; and to elicit facts, he has always asked them: in this case I wished to do no more, and if there has been any irregularity, I am not to blame, because you yourself called upon me to ask any questions I thought proper.

The CORONER (*to Mr. Harmer*)—You have already had your examination.

Mr. HARMER.—I do not understand you, Sir.

The CORONER (*to Mr. Harmer*)—You asked this witness a question.

Mr. HARMER (*to the Coroner*)—I perhaps might; but if so, it was merely in explanation. Do you call that an examination? Am I to understand that you prohibit my examining the witnesses?

The CORONER (*to Mr. Harmer*)—No; but you found fault with my mode of examination, which you have no business to do.

Mr. HARMER (*to the Coroner*)—I assure you, Sir, I did not intend any thing rude or offensive, when I suggested that the witness appeared embarrassed by your tone and manner of questioning her: you did not, certainly, get a ready answer from the witness, and perhaps that occasioned your temper to be ruffled, especially as, I remember you said, your patience was exhausted.

The CORONER (*to Mr. Harmer*)—I shall allow you who are here for the friends of the deceased to examine, be it regular or irregular. If there were none of you attending, I would have extracted the whole truth to the best of my power. If the witnesses are disposed to give a partial story, I must get the whole. You extracted, in some instances, that the people were peaceable; but if the testimony varies, I must re-examine, without its being said that I do not discharge my duty properly, or like other coroners.

Mr. HARMER (*to the Coroner*)—I have already said, Sir, that I meant no offence; I hope I have given you none.

The CORONER (*to Mr. Harmer*)—I think you spoke too much when you reminded me that Dr. Cox ought to have been examined differently; I am sure he gave his evidence very clearly, and without any hesitation.

Mr. HARMER—(*to the Coroner*)—Mr. Cox whispered, and I could not therefore hear him so distinctly as you did, who were sitting next him; but to me, his mode of giving evidence seemed more to have justified that kind of examination, than the young woman's. You, perhaps, had cause to be offended with some of her

answers. I am sorry that she did not answer more explicitly ; but the rapidity of the questions I thought confused her.

The CORONER—(to Mr. Harmer)—I gave her time enough ; but I saw an unwillingness to answer. Could not she have told me whether she had been two hundred or five hundred times in Manchester ?

Mr. DENISON—Numbers are, of all things, most apt to confuse a witness.

Mr. HARMER—(to the Coroner)—And she explained, that having been often carried to Manchester when an infant, she could not venture to speak to the number of times she had been there.

The CORONER—(to Mr. Harmer)—I only asked her as to her knowledge—But, Mr. Harmer, you had better go on with the witness.

Witness examined by Mr. HARMER.

Q. You were at the meeting when Mr. Hunt came in ?

A. I was.

Q. Did the people cheer him on his entrance ?

A. They did.

Q. You said that the people cheered the soldiers when they came ; now were the cheers given in the same way as those given to Mr. Hunt ?

A. They were.

Q. When the soldiers entered, did the people oppose them, or endeavour to get away ?

A. They tried to get away, but it was impossible. The soldiers did not give them time, although they got away as quick as they could.

Q. Were there a great many persons at the hustings and close about that spot when the soldiers came up ?

A. Yes, a great many ; they were crowded very close together there.

Q. Did the soldiers use their swords to these persons without allowing them time to disperse, or get away ?

A. Yes, they did ; and cut and slashed as they came up.

Q. I think you said you were not certain whether they wounded the man in question, because you turned your head away to avoid seeing the consequences ; but are you sure you saw him struck ?

A. Yes, I am.

Q. Was the blow so aimed as to be likely to wound ?

A. Yes, it was.

Q. You have told the gentleman that *you* met no impediment in getting off the ground, was that because the soldiers had then cleared the crowd from the spot, and thus afforded you a free passage ?

A. Yes.

Q. Did you notice the dress of the man who was struck ?

A. I saw he had on a dark coloured coat.

Mr. HARMER—(to the Coroner)—I wish the deceased's coat to

be produced again ; Robert Neald is, I understand, at the door with it.

ROBERT NEALD was called in, and produced the Coat.

Mr. HARMER—(to the Witness, Martha Kearsley)—Look at that coat, and tell me if it is like the one worn by the man to whom you have alluded ?

A. The colour of the coat is the same the man had on, to the best of my knowledge ; but I cannot swear to the coat, because I only saw the man when the act was committed.

The Witness, MARTHA KEARSLEY, re-examined by the CORONER.

Q. After you got home did you tell any one what you had seen respecting this man ?

A. Yes, Sir, I told it that night, and repeatedly afterwards in the week, of this man that I took most notice of, without any expectation of this.

Q. Did you ever speak as to the colour of the coat ?

A. Yes.

Q. What colour was it ?

A. It was a dark coloured one, like this (*pointing to the one produced*), corbeau or brown. I described it as such.

Q. Did the man fall after the cut ?

A. I can't say whether he did or not.

Q. Might it not be some other dark colour. Don't you call blue a dark colour ?

A. I call corbeau or dark brown a dark colour.

Q. That is the only answer you give to my question ?

A. Yes, Sir ; I don't know what other answer I can give.

The CORONER—Well, you may withdraw.

ROBERT NEALD re-examined by Mr. HARMER.

Q. Is that the coat you produced on Saturday last ?

A. The same.

Q. Has it been once out of your possession since ?

A. It has never been out of my custody.

ROBERT COOPER called in by the Constable, sworn and examined by the CORONER.

Q. What are you ?

A. I am a hatter.

Q. Where do you live ?

A. At Oldham.

Q. Did you know John Lees, the deceased ?

A. Yes, I was with him on Tuesday night after he had received his wound.

Q. Did you have any conversation with him ?

A. I asked him how he felt himself ; and he said he was very ill cut, and could not work any.

Q. Where was this ?

A. It was opposite the Spread Eagle, in Oldham.

Q. What time was it ?

A. About nine o'clock at night.

Q. Did you see his wound ?

A. No I did not ; but his elbow appeared to be wounded ; his wound was wrapped up.

The CORONER—(*to Mr. Harmer*)—What the deceased said to the witness is not evidence.

Mr. HARMER—(*to the Coroner*)—Certainly not. The witness is not produced by me, and I am quite ignorant of the nature of the conversation that passed between him and the deceased ; but unless the latter was under an impression that his life was in imminent danger, what he said cannot be given in evidence.

The CORONER—(*to Witness*)—You are not to tell me what he said, but what you saw.

A. I saw nothing ; only he told me he was upon the hustings.

The CORONER—(*to Mr. Harmer*)—That is evidence.

Mr. HARMER—(*to the Coroner*)—I submit, Sir, it is not ; and that nothing said by the deceased, unless under the immediate apprehension of dissolution, can be received by you.

The CORONER—(*to Mr. Harmer*)—I think it is evidence as against himself, and I shall therefore take it.

Mr. HARMER—(*to the Coroner*)—If, Sir, it were a question of *felo de se* that we were now investigating, not only the acts of the deceased, but all his declarations might certainly be admissible in evidence, but not in this case.

The CORONER—(*to Mr Harmer*)—I submit it is evidence against him.

Mr. HARMER—(*to the Coroner*)—Very well, Sir ; only let it be recollected that I have made my objection to its reception.

The examination of the Witness resumed by the CORONER.

Q. Well, did he say any thing more ? Did he tell you what he had done himself ?

A. What he said to me was, he was upon the hustings when the cavalry came riding up.

Q. He told you he was on the hustings at that time ?

A. Yes ; he said they came cutting and slashing away ; he offered to defend himself, as well as he could, with a stick he had in his hand ; and while he was defending himself, the cavalry-man, in struggling, fell off his horse, and he jumped off the hustings, and then one of the 15th Hussars came and cut his elbow with a sword.

Q. Was any person present when he told you this ?

A. No ; not any one.

The Witness cross-examined by Mr. HARMER.

Q. Then, he said it was the Yeomanry Cavalry that came up to the hustings cutting and slashing ?

A. Yes.

Q. And that it was to defend himself against them that he put up his stick ?

A. Yes.

Q. To whom did you first communicate this that you have been now stating ?

A. I think to the men of the shop where I work.

Q. When ?

A. On Tuesday or Wednesday morning after.

Q. Did you mention the particulars of all that passed ?

A. No, I did not.

Q. To whom did you first mention the particulars ?

A. To Mr. Mellor, the constable.

Q. When did you tell him ?

A. It was this morning.

Q. How came you to communicate to him the particulars ?

A. Mr. Mellor called me across the road, and asked me what John Lees said to me, and I then told him.

Q. The conversation with you and the deceased passed near two months ago ; are you sure the deceased was quite sober when you saw him on the evening of the 16th ?

A. Yes, he was quite sober.

Q. What sort of coat had he on, when you saw him ?

A. It was a brown coloured coat ; I dare say I should know it again if I was to see it.

Q. Did he not say he was knocked off the hustings ?

A. He did not.

Q. Did not the deceased tell you that he was off the hustings when he received his wound ?

A. Yes ; he said he had leaped off to get away if he could, when one of the 15th Hussars cut him.

Q. Have you been told that it was important to say it was the 15th Hussars ?

A. No.

Q. Have you been told by any body besides the deceased that it was one of the 15th Hussars who struck him ?

A. No, he told me himself on Tuesday night.

Q. And you never mentioned to any one until you told Mellor, this morning, that the deceased accused one of the 15th with cutting him ?

A. No.

Q. Do you happen to know, that where several persons are concerned in prosecuting an illegal act, and any of them occasions the death of an individual, that all are answerable for the consequences ?

A. No, I do not.

Mr. MELLOR—I wish to explain that this witness's name was given in on Saturday, before I knew what he could prove ; but as he was at Liverpool he could not be then examined, and Mr. Jackson, his master, desired me to get him called in to-day, and therefore I called him this morning.

The FOREMAN of the JURY—I was desirous that he should be now examined, because it is very inconvenient for us to be both from home.

The Witness re-examined by the CORONER.

Q. Did the deceased say that he had struck any of the soldiers?

A. No, he did not; he said a soldier fell from his horse while struggling with him.

Q. When did you first mention that it was a 15th Hussar who struck him?

A. Never, till this morning.

[*The witness was here ordered to withdraw.*]

JONAH ANDREW called in, sworn, and examined by the CORONER.

Q. What business are you?

A. I am a cotton spinner.

Q. Where do you live?

A. At Leeds.

Q. Well, what do you know of the death of John Lees?

A. I know that John Lees was at Manchester on the 16th, and I was with him at the time on the field.

Q. What field?

A. I mean Peter's-field; the place where the deed was done.

Q. Were you with him when the soldiers came?

A. Yes, when they came, he departed from me about ten yards.

Q. Did you see him cut?

A. Yes, in ten minutes after he left me I saw the soldiers surround him, and a Yeoman Cavalry-man cutting at him with great vengeance.

Q. Did you see him receive any wounds?

A. Yes; I saw him receive a cut on his arm, and the blood gushed from it.

Q. What became of him after he was wounded?

A. He fled to the hustings, and ran under them.

Q. Did you see any thing more done to him?

A. Yes; I saw several constables round him, and beating him with their truncheons severely. One of them picked up a staff of a banner that had been cut with a sword, and said, "Damn your bloody eyes, I'll break your back;" and they struck at him for a considerable time with their truncheons and the staff of the banner.

Q. Did you remain in that place after that?

A. No; I departed.

Q. Did you see him again on the field?

A. No; I saw nothing more of him 'till after the meeting was dispersed.

Q. What time was it when you next saw him?

A. It was betwixt two and three o'clock the same afternoon.

Q. Did any thing pass then?

A. Yes; he said, "I have been dangerously hurt, Andrew, which has affected my body very much."

Q. Did he say any thing more?

A. Yes, he said, "I must return home, for I am getting very sick and very poorly, which I think will be the occasion of my death."

Q. At what time did you get to Manchester?

A. I can't justly tell; I looked at no clock.

Q. Did you go with a body?

A. Yes; I went with a great number of people.

Q. What number?

A. There were so many, that I can't pretend to judge how many.

Q. Did you know any of them?

A. Yes; I knew some.

Q. Did you go from Oldham with the deceased?

A. No; I met with him at Hollingswood, and went in the same company to Deansgate, in Manchester; and we then separated.

Q. Were you on the ground with the deceased before Mr. Hunt came?

A. I was.

Q. How long before?

A. I can't say for a certainty; but to the best of my knowledge it was about an hour before.

Q. Where did you next meet with the deceased, after parting with him at Deansgate?

A. We fell in company together just beside the hustings while they were erecting.

Q. Did you get on the hustings as speakers or spectators?

A. We got on them to see the people.

Q. Did you assist in erecting them?

A. I helped to put up the hustings.

Q. Where was John Lees?

A. He was on the planks.

Q. Were you on the hustings while Mr. Hunt was speaking?

A. No; I was not; I went off a little before Mr. Hunt came to the hustings, and then John Lees departed from me, about ten minutes afterwards.

Q. Did you get off together?

A. I cannot tell.

Q. Had the Cavalry come up then?

A. No; they had not.

Q. When the Cavalry came, how far were you from the deceased?

A. I was about three or four yards from him.

Q. Are you sure you were not a greater distance from him?

A. Yes; I was not so much as ten yards from him when the Cavalry came up.

Q. And could you see him distinctly?

A. Yes; the ground where we stood was so clear that I could see him, and I did see him.

Q. Where did you first see the military?

A. Where I first saw a soldier was beside St. Peter's chapel.

Q. What soldiers did you see there ?

A. The Yeomanry Cavalry, and they came from there to where I was.

Q. How far was that from where you stood ?

A. About eighty or one hundred yards.

Q. How long was it after you got off the hustings 'till the soldiers came up ?

A. About ten minutes or a quarter of an hour.

Q. Did you see them set off and come to where you were ?

A. Yes.

Q. At what pace did they come ?

A. I think it was a trot. It was as fast as they could get, and the constables were making way for them.

Q. Did you see them striking any one ?

A. Yes ; I saw them striking as they came along, and they struck one person when they were about twenty yards from me.

Q. How many were there abreast as they came up ?

A. Two abreast, to the best of my knowledge.

Q. Did they remain so until they came up to you ?

A. No ; they squandered to the right and left before they came to me, about seven or eight yards from me, when the first of them turned to the right and to the left.

Q. Well ; what then ?

A. Why they began to cut and hack at the people like butchers.

Q. Did you hear them say any thing before they struck ?

A. I did not ; they came all round me, but they said nothing to any one that I heard.

Q. Did you not hear the soldiers say something to the people ?

A. No ; I did not hear them speak to any one.

Q. Were there any soldiers near the hustings when John Lees was cut ?

A. Yes ; they were all round the hustings at that time.

Q. Did you see the deceased get off the hustings ?

A. No ; I did not.

Q. How far from the hustings was he when they attacked him ?

A. I think the Yeomanry were at him about ten or fifteen yards from there.

Q. Can you swear he was not cut on the hustings ?

A. No ; I cannot, but I swear that no soldier had come up when I saw him off the hustings—I saw him off before the soldiers came up.

Q. How long had Mr. Hunt been on the hustings before the soldiers came ?

A. About ten or fifteen minutes, but I can't say to a minute.

Q. What soldiers came up first ?

A. The Yeomanry Cavalry.

Q. How were they dressed ?

A. They had on blue clothes, and white facings.

Q. Did any other soldiers come up with them ?

A. I saw no others at that time.

Q. How were the Hussars dressed ?

A. In blue clothes with yellow facings.

Q. How soon after the Yeomanry had come up did you see the Hussars ?

A. I can't say how soon after ; it was a little after ; perhaps fifteen minutes after I had seen the others.

Q. How far from the hustings was the first Hussar you saw ?

A. About twenty yards from the hustings, I first saw them on Deansgate side.

Q. Was Mr. Hunt on the stage at that time ?

A. No ; he had been on, but he had been taken off then.

Q. Did you see him taken off in custody ?

A. No ; I did not.

Q. How long was it before you again saw John Lees ?

A. It might be an hour, or between that and two hours after that I saw him.

Q. When did you hear that Mr. Hunt was taken into custody ?

A. I did not know or hear any thing of it till about fifteen minutes after the field was cleared.

Q. Where were you when you heard it ?

A. I was then at Shude-hill-pits opposite the Infirmary ; the Cavalry were then coming that way from St. Peter's-field ; I stood opposite the White Bear when I saw them at the Infirmary gates.

Q. At what pace were they coming ? Was it a gallop ?

A. No ; they were not.

Q. Were any persons on the field when you left ?

A. None but soldiers.

Q. What soldiers were those you saw at the Infirmary ?

A. Yeomanry.

Q. Did you run or walk away from the field ?

A. I walked away at my leisure.

Q. Where had you last seen the Yeomanry before you saw them at the Infirmary ?

A. At St. Peter's-field.

Q. Did you not see constables on the ground ?

A. Yes ; I did see " Nadin's Runners," as they call them, at the hustings, and special constables : they were lining along from the place where I stood to St. Peter's Chapel.

Q. When did you see the constables ?

A. I saw them after the soldiers came.

Q. Who advised you to come here ?

A. Abraham Taylor warned me to come.

Q. Who told you what to say ?

A. Nobody.

Q. Have you ever been in the army ?

A. Yes ; I was a soldier in the 91st.

Q. How came you to quit the service ?

A. I was discharged in May last.

Q. Are you a native of Manchester ?

A. No ; I am a Leeds man.

Q. Did you mention what you had seen, to any one ?

A. Yes ; I told it to my neighbours first, and to people on the road as I was going home.

Q. Did you see the constables doing any thing on the field, or about the hustings ?

A. No ; nothing more than I have already told you.

Q. Do you know Nadin.

A. No ; nor I don't want to know any such man.

Q. I believe not ; he is not much liked by such as you. Did you see any constables take Mr. Hunt off the hustings ?

A. No, I did not.

Q. Do you know the names of those who struck John Lees with their truncheons ?

A. No, I do not ; I never saw them before, to my knowledge, or since.

Q. Can you tell how they were dressed ?

A. No ; I did not take particular notice what dress they had on.

Q. What number did you see striking him ?

A. About seven were beating him.

Q. Had they all truncheons ?

A. I saw six with truncheons, and one had a piece of a staff of a banner or flag.

Q. What was the thickness of it ?

A. It was about the thickness of a man's wrist.

Q. What length was it ?

A. I don't know ; I saw about four feet out of his hand.

Q. How much was the rest ?

A. I can't tell, for I did not see it.

Q. You can give a guess ?

A. No, I can't, as I did not see only the upper part.

Q. Did you see him strike with it ?

A. Yes.

Q. And yet you can't tell the length ?

A. I tell what I thought the length of the part I saw.

Q. How often did he strike ?

A. He struck often, but I can't exactly say how often.

Q. Are you sure he struck more than once ?

A. Yes ; I am sure he struck him twice.

Q. Were you standing with your face towards him ?

A. No ; but I turned my head.

Q. If you were not with your face towards him, how could you see what was doing to him ?

A. Why, a man can turn his head round, you know.

Q. How far from him were you ?

A. About ten yards off.

Q. How long were they beating him ?

A. A considerable time.

Q. What do you call a considerable time ?

A. Three or four minutes I call a considerable time when a man is being beat ; but I can't say exactly how long they were peeling him.

Q. Did you hear those who were striking him say any thing?

A. Yes; one man swore he would break his back.

Q. Had this man any uniform on?

A. No, he had not.

Q. How far were the soldiers from John Lees at the time these men were striking him?

A. About four yards distant.

Q. Were they Yeomanry?

A. I can't say whether they were or not.

Q. Of what were the hustings formed?

A. Two casks, with planks across.

Q. What was the thickness of the planks?

A. I can't say.

Q. What was the height of the stage from the ground?

A. I can't tell, I did not measure it.

Q. That's only trifling with me; I must have it out. You said you assisted in putting up the hustings?

A. So I did; it was made of two carts, one behind the other, and planks put across them both.

Q. And yet you cannot tell the height of the carts?

A. No; I cannot. I never worked among carts.

Q. And can you not say what thickness the planks were?

A. I don't know, perhaps they might be 3 or 4 inches thick.

Q. What carts were they?

A. They were common carts, but I don't know what they were used for.

Q. Well; the Jury will form their opinion of that. I think you said the staff had been cut; how do you know that?

A. Because I saw a Yeoman cut it.

Q. How do you know the staff was the same you saw cut?

A. I saw the man pick it up about a minute afterwards.

Q. What sort of staff was it? was it coloured?

A. Yes; it was green.

Q. Did you see any thing in John Lees hand after he came off the hustings?

A. I did not see any thing.

Q. How far was the staff cut from the hustings?

A. It was about four or five yards from the stage when I saw it cut.

Q. Were not the soldiers going quietly about the hustings dispersing the people?

A. No; they were galloping about and cutting every one that came in their way.

Q. How do you know it was John Lees whom you saw cut?

A. Because I have known him from his infancy, and I turned my head round and saw him.

Q. Can you swear to any other man you saw cut?

A. No; I cannot.

Q. Were you hurt?

A. No; I was not.

Q. Did you see any others beside the man in question injured ?

A. Yes ; I saw a man and woman lying bleeding on the ground, after John Lees was cut.

Q. What was your motive in coming to the Meeting ?

A. I came from Leeds to see the crowd, and hear what was said, the same as other people did.

Q. You were the leader of some party ?

A. No, I was not ; I knew no leader. I was the same as any other man.

Q. Did you not give directions to the people ?

A. No, I did not. I only told them to keep their tongues quiet.

Q. How many persons came along with you ?

A. I can't tell ; but there were a great many.

Q. What coloured clothes had Lees on ?

A. He had a dark brown coloured coat, but I did not take notice, particularly, what other clothes he had on.

Q. Where was Lees when he first told you ?

A. I don't recollect ; but I remember I said it was a bad job.

Q. Were you ever examined concerning this business before this ?

A. No, I never was examined 'till now.

Q. Has no one inquired of you about it before you came into the room now, or asked any questions concerning this ?

A. No.

Q. Were you never here till to day ?

A. Yes ; I was in this house on Saturday, but not in this room.

Q. Who advised you to come here ?

A. Abraham Taylor.

Q. What is he ?

A. He is a yeld knitter.

Q. How did he know you could say any thing about the business ?

A. I suppose he heard that I had told people I was there.

Q. Did you hear the Riot Act read ?

A. No.

Q. Did you not hear something read, or notice given to disperse before the soldiers came ?

A. No.

Q. What notice was there then ?

A. All the notice I saw, was driving people off with the edge of the sword.

Q. Did you see any Magistrates or Peace Officers coming towards the stage with the soldiers ?

A. I saw none that I know.

Q. Although you might not know them, did you not see some acting as such ?

A. No, I did not.

Q. Did you see any stone thrown, or attack made in any way upon the soldiers ?

A. No ; I saw no person do any thing to the soldiers before they cut.

Q. Did you not see a stone thrown, or hear a pistol fired ?

A. No, I did not.

Q. Do you mean to say the people were peaceable and quiet ?

A. They were, until the soldiers cut and dispersed them.

Q. Was there no noise ?

A. None, except cheering.

Q. Who was it that cheered ?

A. The multitude.

Q. What did they cheer for ?

A. I cheered because I saw Hunt. I can't tell what others cheered for.

Q. Do you know any individual who cheered ?

A. No ; the cheers came from the multitude.

Q. After the soldiers came up to the stage, how long was it before the field was cleared ?

A. I can't say ; I did not look at any clock.

Q. Did the people get away quick ?

A. They appeared to do so to save their lives.

Q. Was there any report of fire-arms before you left the field ?

A. I heard none.

Q. Did you see any others hurt beside those you have mentioned ?

A. Yes ; I saw plenty carried to the Infirmary that same day.

Q. What do you call plenty ; was it one or half a dozen ?

A. I don't call one, nor half a dozen, plenty.

Q. How soon after did you see the people taken to the Infirmary ?

A. An hour or two after, I believe.

The CORONER (*to the Jury*)—Do you wish to ask any thing of the witness ?

A JUROR (*to the Witness*)—Where did you see Lees after he was wounded ?

A. I saw him lying on the ground.

The Witness examined by Mr. HARMER.

Q. Were there many persons going to the meeting with you ?

A. Yes, I went with a great multitude.

Q. Did they proceed to the place of meeting in a peaceable and orderly manner ?

A. They did.

Q. Were they all quiet and peaceable after their arrival at St. Peter's-field ?

A. They were.

Q. Had you any intention to create a riot, or make any disturbance ?

A. No, I went peaceably and quietly.

Q. Did the persons who accompanied you, seem quietly disposed, and to have the same peaceable disposition as yourself?

A. Yes, they did.

Q. How long were you on the ground before Mr. Hunt came?

A. About an hour.

Q. During that hour, was there any disturbance, or indication of riot?

A. None at all; every thing was peaceable and quiet.

Q. How did the deceased conduct himself?

A. From what I saw, he behaved peaceably and quietly.

Q. Had there been any noise, riot, or tumult, till the soldiers came?

A. No; the first disturbance was by the soldiers; every thing had been peaceable and orderly till then.

Q. Did the persons who beat Lees with their truncheons come with the soldiers?

A. I can't say.

Q. Did you see any persons with truncheons before the soldiers came?

A. Yes; I saw some scattered near St. Peter's Chapel.

Q. Did you take any notice of the house in which the Magistrates were?

A. No, I did not.

Q. Did you see any women?

A. Yes, I saw a young woman in Mr. Hunt's carriage after he was gone.

Q. At what part of the ground was this?

A. It was nigh where the deceased was wounded.

Q. Did the people make any resistance when the soldiers came?

A. No; every one sought to get away, and never made any resistance.

Q. Did you see any one armed?

A. No, I saw no appearance of arms whatever.

Q. Were you armed?

A. I had only a walking stick.

Q. It has been imputed to you, that you were guilty of inhumanity in leaving Lees to his fate: now could you, as an unarmed man, have afforded him protection against his armed assailants?

A. No.

Q. Then, was that your reason for leaving him?

A. Yes; I was glad to escape myself.

Q. Then, I presume, you considered your life in danger; did you not?

A. Yes, I did; and think I am fortunate in escaping unwounded.

Q. Before the soldiers came, was the crowd very great?

A. Yes, very great.

Q. When Mr. Hunt was speaking, I suppose the people pressed very close to the hustings, to see and to hear him?

A. Yes, they were very closely pressed together.

Q. Then, I would ask you, if, when the soldiers came, the peo-

ple could have stooped to take stones from the ground, or have wielded their arms to throw any thing, or to strike a blow, even had they been so inclined?

A. No, they could not.

Q. Was not the pressure so great, and the throng so thick, that it was almost impossible for the people to move their arms?

A. I think they could not.

Q. When Mr. Hunt came, you and the multitude cheered him?

A. Yes.

Q. Did the multitude cheer when the soldiers came?

A. Yes.

Q. Were the cheers given in the same friendly and good-humoured manner to both?

A. Yes, they cheered three huzzas, the same as to Mr. Hunt.

Q. Were there not many lads and women among the crowd?

A. Yes, there were.

Q. Where they armed?

A. No, they were not.

Q. Were not the females, in general, decently dressed?

A. Yes, most of them were very decently dressed.

Q. Did you hear any thing mentioned, or see any thing done, to excite the people to disturb the peace?

A. Nothing, Sir.

Q. Was there, in fact, any disturbance created by them?

A. No, there was not.

Mr. HARMER—(*to the Coroner*)—I have no further questions to ask.

The Witness re-examined by the CORONER.

Q. After the soldiers came, could not the people move their arms?

A. I can't say they could not; I can't speak against my conscience.

Q. Who was in Mr. Hunt's carriage?

A. I can't say.

Q. Did you take notice of any women in it?

A. Yes, I took notice of one.

Q. Did you see any woman in Mr. Hunt's carriage when it came to the hustings?

A. Yes, I saw one.

Q. Did you see any woman in the carriage afterwards?

A. Yes, I saw a young woman alone in the carriage afterwards.

Q. Was the one you saw coming in the carriage, the same you saw afterwards?

A. I can't tell.

Q. Was there no man in the carriage?

A. I saw no one to my knowledge.

Q. How near were you to the carriage when the soldiers came?

A. I was close to it; I was within a yard of it.

Q. You said you took particular notice of one woman who came in the carriage?

A. Yes.

Q. And yet you can't tell whether it was the same woman you afterwards saw in the carriage?

A. No, I cannot.

Q. What was the colour of her dress?

A. I cannot tell; but she was well dressed.

Q. Should you know her again?

A. I don't know that I should.

Q. What size was she?

A. She was in the middling way.

Q. Was she fat or lean?

A. I did not take notice.

Q. Was she young or old?

A. I can't tell.

Q. Are you sure you can't tell that?

A. I speak the truth; and I cannot tell whether she was young or old, because I took no notice of that.

Q. Well, that must go to your credit. Do you know what became of her?

A. No; the last time I saw her was in the carriage.

Q. When did you last see her?

A. I saw her when the soldiers came, and a little after.

Q. Did you see the carriage empty?

A. I can't say.

Q. Was she in the carriage when you left the field?

A. I don't know.

[*Witness withdrew.*]

JAMES MILLS called in, sworn, and examined by the CORONER.

Q. What trade are you?

A. I am a wood-turner.

Q. Where do you live?

A. At Oldham.

[*Here a note was handed to the Coroner by the Witness.*]

Q. Why did you send in this note?

A. Because Mr. Jonah Mellor refused to take my name in as a witness, on Saturday: he asked me what I wanted my name taken down for? I said, to tell the truth. It was while the Court was sitting.

Mr. MELLOR (*the Constable*)—When the witness gave me his name, I said I would take care he should be called, but I refused to admit him into the room.

The CORONER—(*To the Witness*)—What do you know about the death of John Lees?

A. The first time I saw him was on the hustings, and I after-

wards saw constables striking and beating him with staves and truncheons on his back, in a most severe manner. As he was escaping from the hustings, one struck him with a piece of a colour with both hands.

Q. Did you see him afterwards?

A. No, I have not seen him since.

Q. Did you know him?

A. Yes, I knew him well; I live near neighbour to him.

Q. Had you ever any conversation with him?

A. I never exchanged a word with him in my life, till I saw him on the hustings, and then I spoke to him.

Q. How came you to speak to him then?

A. I sat in the body of the cart, and he wanted me to make room for him.

Q. Where was he then?

A. He stood on the hustings, and I was holding them by my hand.

Q. How long did he remain there?

A. He stopped till the soldiers came up.

Q. Were the soldiers nigh when the constables were beating him?

A. Yes.

Q. Did you see the soldiers strike him?

A. No, I did not see them interfere; the soldiers formed a circle round the hustings, and I saw him run through the soldiers and constables.

Q. Where were the soldiers when he was running away?

A. They were nearly round the hustings.

Q. Did more than one strike him?

A. Yes, a great many were beating him; he run through a great body of soldiers and constables, and half a dozen constables struck him.

Q. What did they strike him with?

A. One struck with a piece of a staff.

Q. What length was that?

A. Two or three yards long.

Q. Was that the only staff you saw?

A. No, I saw another staff.

Q. Where was he when he was struck?

A. He had got from the hustings about five or seven yards.

Q. What became of him when he was struck? did he fall?

A. No, he was moving on when I last saw him.

Q. Where were you to see all this?

A. I was under the hustings.

Q. Was the deceased under the hustings also?

A. No, he was not.

Q. What made you get there?

A. As soon as the soldiers came within about 100 yards of the hustings, I was alarmed and got under them, and remained there till the soldiers formed a circle round the hustings.

Q. Well, what then?

A. They came and beat me so severely about my body, that I was ill for a fortnight after, and if I had not got up, they would have knocked their staves through my ribs.

Q. In what way could they get at you to strike you if you were underneath the hustings?

A. They pushed their staves violently against me.

Q. Did they strike you any more than once?

A. Yes, four or five times, and two of them were *jobbing* at me.

Q. What became of you afterwards?

A. When I came from under the hustings, they beat me through the soldiers to the distance of about eight yards, and they served others who were under the hustings in the same manner.

Q. Were you struck by the soldiers?

A. I felt two blows on my hat, and here is a cut in my hat now plain to be seen—(*here the witness exhibited his hat*)—but whether that was done with a sword or truncheon, I cannot say. But my neckcloth was cut with a sword by the soldiers.

Q. What soldiers, Cavalry or Hussars?

A. I don't know, I had not time to distinguish; but they were soldiers, at any rate.

Q. How long after Lees was hurt were you struck?

A. About ten minutes.

Q. Were you thrown down?

A. No, I was not.

Q. Was Lees down?

A. I don't know; I saw him on his legs; he was not down when I saw him.

Q. How were the soldiers dressed whom you saw come to the hustings? what facings had they?

A. They had blue clothes on, but I did not particularly notice their facings.

Q. How many women were in the carriage which brought Mr. Hunt?

A. There was only one woman that I saw.

Q. Did you see Mr. Hunt go on the hustings?

A. Yes, I did.

Q. Who remained in the carriage afterwards?

A. I did not notice who remained there.

Q. Did you see the soldiers cut any body in their way to the hustings?

A. No, I did not; but I saw them cut several by the hustings.

Q. But you say you did not notice the facings of the soldiers' dress?

A. No, I did not.

Q. Did you see that John Lees had been cut with a sword at this time?

A. No, I did not.

Q. How was he dressed?

A. He had a dark corbeau jacket on; some would call it a dark brown.

Q. Was it a jacket or a coat?

A. I believe it was shorter than a coat generally is.

Q. How could you distinguish the constables from the other people, so as to state that they were constables who struck John Lees?

A. By their truncheons. The Reformers had none such sticks, I am sure.

Q. How were the constables dressed?

A. I cannot tell; I was too much agitated to notice their dress.

Q. Do you know Mr. Nadin's runners? did you see them there?

A. No, I can't say that I ever saw any one of them in my life.

Q. Were there a good many women at the meeting?

A. Yes.

Q. What made you get under the cart?

A. The reason was, because, when the military came I was afraid they were coming to hurt us.

Q. Did you hear the Riot Act read, or any notice given to disperse, either by the magistrates or the commanding officer, before the soldiers came?

A. No, I did not.

Q. Which of the soldiers came in first?

A. The Yeomanry Cavalry.

Q. Did the people do any thing to the military?

A. They kept huzzaing till the soldiers came nigh to the hustings.

Q. Why did they do that?

A. I can't tell what it was for.

Q. Did you hear the soldiers huzzah?

A. No, I only heard them cursing and swearing at the people.

Q. As you have not seen Lees since, how did you know he was hurt?

A. Because I have inquired of different persons, and was told he was very ill hurt.

Q. What was your idea, when you saw John Lees struck; did you think he was hurt?

A. I was sure he must have been hurt, for they struck at him with such vengeance.

Q. Was nothing done to the soldiers that you saw?

A. No.

Q. Did no one lift their hand against, or throw any thing at them?

A. No, nothing of the sort while I was there; I saw no insult offered to them.

Q. Did you see any soldier off his horse?

A. No, I did not.

Q. Had you a stick?

A. Yes; I had one, which I had used as part of a fishing rod, about as thick as my finger.

Q. Did you see any of the multitude armed?

A. Some of them had sticks, but I saw none strike with them, or lift them against any one.

Q. What do you suppose was the size of the sticks?

A. I saw different sizes; some of them might be as big as a child's wrist, but I never saw any one lifted against the soldiers.

Q. Could the soldiers get to the hustings readily?

A. No, because there was such a number of people.

Q. Did the people appear anxious to get away?

A. Yes.

Q. Then why did they not go?

A. They could not make their way; till they on the outside dispersed, it was impossible.

Q. Did you see the soldiers cut any one before they came to the hustings?

A. I did not; but I saw them striking in all directions when they came near the hustings.

Q. Might not the people have dispersed sooner than they did, if they had chosen?

A. No, the crowd got away as soon as they could; the soldiers would not allow them sufficient time to get away before they cut them, and it was impossible for them to get away, owing to the press of the people.

The Witness examined by Mr. HARMER.

Q. I think you say you were upon the hustings?

A. Yes, I was.

Q. Did not this situation afford you a good opportunity of seeing the people, and how they behaved?

A. Yes, it did.

Q. Then I will ask you what was their conduct?

A. They were as orderly as ever I saw a number of people in my life.

Q. Did you see any riot or disturbance?

A. No, I did not.

Q. Did you hear any words tending to excite the people to break the peace, or commit any violence?

A. Not any.

Q. Did you hear any notice given to disperse before the soldiers came, or even after their arrival?

A. Not any.

Q. Did I understand you that it was the men who were armed with truncheons, as *peace officers*, who assisted in creating the disturbance, and who beat the people, instead of protecting them from violence?

A. Yes, it was peace officers that jobbed at me.

Q. Did I understand you to say that you lost sight of the deceased when he was at a few yards from the hustings?

A. Yes.

Q. Might he not, then, have been driven back to the hustings without your observing it?

A. Yes, he might.

Q. Did the soldiers and constables come together to the hustings?

A. Yes, they did ; in a straight line.

Q. Did you see whence the soldiers first came?

A. I believe from Saint Peter's, but the first sight I had of them was coming up to the hustings.

Q. Although you cannot tell the particular dress of the military, are you able to say whether those soldiers, whom you saw cutting the people, are the same that first showed themselves on the ground?

A. Yes ; they were the first.

Re-examined by the CORONER.

Q. Before the soldiers came up, did the constables strike you?

A. Yes, they jobbed at my side, and damned me to come out.

Q. Did you hear the soldiers say any thing to the people, or give them notice to disperse?

A. No ; the only notice I heard, was cursing and swearing at the people.

WILLIAM WHITTAKER called in, sworn, and examined by the CORONER.

Q. What are you?

A. I am a cotton-spinner.

Q. Where do you live?

A. At Oldham.

Q. Did you see John Lees after the 16th?

A. Yes, several times.

Q. When did you see him?

A. I saw him on Wednesday afternoon, by his father's factory door.

Q. Did you know he had been hurt?

A. Yes.

Q. How did he appear?

A. I saw nothing irregular about him.

Q. How did you know he had been hurt?

A. I had only heard it.

Q. Were you in company with him?

A. No ; I only saw him standing as I passed.

Q. Did you afterwards see him at any public-house?

A. Yes ; on Sunday night, the 22d of August, I saw him at the sign of the Cock, in Middleton, between 9 and 10 o'clock.

Q. Was he alone, or in company?

A. He was in company with three men and two women.

Q. What was he drinking ?

A. I don't know ; I and my brother-in-law had a pint of beer only, and stopped about twenty minutes.

Q. Did he appear to be drunk ?

A. No, he did not.

Q. Did he look as well as he used to do before he was hurt ?

A. Yes; I observed nothing the matter with him.

Q. Had he his coat on regularly, as usual ?

A. Yes.

Q. Had he his arm in a sling ?

A. No.

Q. Did he make any complaints that night, or say he was hurt

A. No.

Q. Did you see him afterwards ?

A. No, I can't say I did.

Q. Did he drink as usual while you were there ?

A. He drank once while I was in.

The Witness examined by Mr. HARMER.

Q. Then he was not intoxicated when you saw him at Middleton ?

A. No.

Q. And you only saw him drink once in the twenty minutes you were in his company ?

A. No.

Q. Can you tell us whether he lifted the beer to his mouth with his right hand or his left ?

A. No.

Q. He appeared quite as well and as hearty as ever, when you saw him at the factory door, and also at Middleton ?

A. I did not see much difference.

Q. Then, perhaps, you doubt whether he was hurt at all, or is even now dead ?

[The Witness gave no answer, and was ordered to withdraw.]

WILLIAM HARRISON called in, sworn, and examined by the CORONER.

Q. What business are you ?

A. I am a cotton spinner.

Q. Where do you live ?

A. In Oldham.

Q. What do you know about the death John Lees ; did you see him on the 16th of August ?

A. Yes, I did.

Q. Where ?

A. I saw him going to the meeting at Manchester. When I first saw him he was running, and I asked him to stop for me, but he said " No, I have company, and I shall go with them."

Q. How soon after the 16th did you see him again ?

A. I did not see him again until five days before he died, when I heard he was very poorly, and I went to see him; I found him in the kitchen on a couch, with a face like a cap.

Q. What do you mean by, like a cap?

A. I mean as white as a cap; and he then told me he was at the battle of Waterloo, but he never was in such danger there as he was at the meeting; for at Waterloo there was man to man, but at Manchester it was downright murder.

Q. Was any one present and heard this?

A. Yes, Samuel Davenport.

Q. Was no one else there?

A. No; not that paid any attention.

Q. What time in the day did this conversation pass?

A. I went about twelve and left about one.

Q. Was none of the family in the kitchen with you?

A. Mrs. Lees brought some ale, but did not stay.

Q. Did he tell you what he had done?

A. No; he only told me what was done to him.

Q. Did he show you any wound, or marks of violence?

A. No, he could not: he was so weak and ill he was then likely to die.

Q. Did he tell you he believed he should die?

A. No.

Q. Did he say any thing more?

A. He said his shoe was trod and rent off by a horse, and he crouched down to put it on.

Q. Were you at the meeting?

A. Yes, I was.

Q. What time did you get there?

A. About an hour before Mr. Hunt.

Q. Did you see many people come, after you were there?

A. Yes.

Q. Had they sticks or arms?

A. No; they were without sticks or any thing. Some papers were put up in Oldham, from Mr. Hunt, desiring the people to go to the meeting peaceably, and without arms, and they did so.

The Witness examined by Mr. HARMER.

Q. The people, you say, went peaceably and unarmed?

A. Yes.

Q. Did you go unarmed?

A. Yes; I went without a stick, and so did many others who came afterwards.

Q. Did they come to the meeting in a tumultuous or a peaceable manner?

A. They came as quiet as if they were in a chapel or church.

Q. Now, had each party that came from the different townships their flags or banners?

A. Yes, they had.

Q. Now, on their arrival, did the people on the ground receive them with a shout of welcome?

A. Yes.

Q. Was that the only noise that you heard made?

A. It was.

Q. After those shouts ceased, was all quiet and peaceable?

A. Yes; there was no other disturbance.

Q. Did you see many constables at, or near, the hustings?

A. Yes, a great many, they were six deep at the lower side of the hustings.

Q. How near were you to the hustings?

A. I was from eight to twelve yards on the upper side of the hustings.

Q. As you were so near, could you hear what Mr. Hunt said?

A. Yes, I could.

Q. Repeat, then, as near as you can, his words?

A. Mr. Hunt got upon the stage, and received applause—he then said he was very glad the meeting had been put off for one week; and to see so many people arrive peaceably and quietly.

Q. Did he say any more?

A. Yes; he said, If any person made a tumult, or attempted disturbance, for a green bag plot, to put him down and keep him down, and not suffer him to rise till the meeting was over.

[*The Witness spoke very loud, and was here told by the Coroner, as he had been frequently before, to lower his tone, and not speak so vehemently.*]

The WITNESS (*to the Coroner*)—I don't wish to offend you, Sir, but if I speak slow I *stut*.

The CORONER—Go on, but don't be so violent.

WITNESS *proceeded*—The soldiers then came—the first could hardly sit on his horse, he was so drunk; he sat like a monkey.

Q. At what part of the field did he enter?

A. He came in near the Quakers' chapel, and many behind him, through the crowd.

Q. Did they halt, and draw up any where?

A. Yes; they came and stood in front of the houses, and began to shout.

Q. Was there any shouting between the time that Mr. Hunt arrived and the coming in of the soldiers?

A. Yes; there was a shout about something said on the stage about a minute before.

Q. At what pace did they come into the crowd?

A. They came at a real gallop.

Q. In what way did they proceed to the hustings?

A. They began cutting all before them and on each side, and the people began shouting for mercy—they said, "Have mercy, O, have mercy."—I was squeezed against the iron palisadoes; I thought I should have been squeezed to death.

Q. Was every thing quiet and good humoured until the soldiers came in?

A. Yes; and if it had not been for them, it would have been the nicest sight that ever was seen; we all said so as we came home.

Q. Did the constables assist or obstruct the escape of the people?

A. The constables prevented the people getting away; they were on the opposite side to the soldiers, and struck at all near them by the hustings, and said, D—n you, will you come again.

Q. Did the soldiers say any thing to the people when they were striking them?

A. Yes; they said the same.

Q. Did you hear that said often by both the soldiers and constables?

A. Yes; hundreds of times.

Q. Had you the good fortune to escape without being wounded?

A. Yes; but I was obliged to stoop down several times to save my head.

Q. Did you see any others hurt?

A. Yes; I saw many bruised.

Q. Did you see the people strike, or in any way molest, either the soldiers or the peace officers?

A. No; I did not.

The Witness re-examined by the CORONER.

Q. Did the Cavalry strike you?

A. No; they struck at me, but missed.

Q. Did any constable strike you?

A. No; I turned my back to avoid them—I tried to escape for my life like a hare from a pack of hounds.

Q. Did they cut at you near the hustings?

A. No; as I was running away three soldiers came down upon me one after another; there was whiz this way and whiz that way, backwards and forwards—(*here the witness rose up and described what he meant by the action of his arms*), and I, as they were going to strike, threw myself on my face, so that, if they cut, it should be on my bottom.

The CORONER—You act as well as speak?

A. Yes; I'm real Lancashire blunt, Sir; I speak the truth; whenever any cried out "mercy," they said "D—n you, what brought you here."

Q. Did you see any persons afterwards who were cut?

A. Yes; I saw people wounded in every street in Manchester which I passed through.

Q. How far were the palisadoes from the hustings, against which you say you were pressed?

A. I don't know.

Q. Were they a mile or a quarter of a mile?

A. Bless you, Sir, nothing like it.

Q. Give me an answer to my question then?

A. Well, Sir, when you speak out of reason I can give you no answer; for you ask "whether the palisadoes were a mile or a quarter of a mile from the hustings."

Q. Well, I ask your opinion ?

A. I suppose about fifty yards.

Q. You were then about fifty yards off when Mr. Hunt came ?

A. No ; Sir, you contradict yourself, but I will not have words put into my mouth which I have not said ; when Mr. Hunt came I was only eight yards or a little more from the hustings, but after the soldiers came I was pressed back to the palisadoes.

Q. You have before said differently ; you have said it both ways.

A. I ask your pardon, Sir, I have not. I wish to hear what you read, and what you have been writing ; for you shall not make me say what is wrong, if I know it.

Q. How long were you against the palisadoes ?

A. About three minutes.

Q. Did you return from the palisadoes to the hustings again ?

A. No ; I did not.

Q. Where did the soldiers form into line ?

A. They galloped about twenty or thirty yards, and formed into line opposite the houses.

Q. How was the first man dressed that came down ?

A. I cannot tell.

Q. Was he a soldier ?

A. I saw he held a sword lifted up, but I cannot say he was a soldier.

Q. Was he on horseback ?

A. Yes ; but the hats obstructed my view.

Q. At what pace did he come ?

A. He came into the crowd at a gallop ; he was fuddled, I reckon.

Q. Where was this man when the soldiers were cutting ?

A. I can't tell ; I did not keep my eye on one person ; I could not, for I was looking for my life ; I was very hard at first, because I did not think they would hurt us ; but when they began to cut, I was very much frightened.

Q. How long were the other soldiers in getting up to him ?

A. I can't tell.

Q. You can say how many minutes ?

A. I can't tell how many minutes ; they were only thirty yards or so behind, and as they came at a gallop they could not be many minutes. Sir, you put so many questions to me which are very troublesome, and I think you cannot expect them to be answered.

Q. I do expect them to be answered, and I desire that you do not speak so loud, you are a great deal too noisy ?

A. I am sure I speak very calmly ; I wish to do so, but you try so to confuse me.

Q. There may be a difference of opinion about your conduct ; I never had the honour of seeing you before, but I think you speak very boisterously.

A. I speak the best I can according to truth ; I am no scholar, Sir.

Q. You say they were as peaceable as in a church, did you ever hear shoutings in a church ?

A. Yes, I have, when they strike up to be singing ; at the time the singers begin their concert.

Q. Did you see the soldiers, when in front of the large houses, shout and wave their swords ?

A. Yes, I did.

Q. You saw Mr. Hunt come in his carriage ?

A. Yes.

Q. How many women came with him ?

A. I don't know, there were so many.

Q. Did you see Mrs. Fyldes ?

A. Yes, a woman that the people told me was Mrs. Fyldes, and she held a colour.

Q. What like woman was she ?

A. The most beautiful woman I ever saw in all my life.

Q. Where did she sit in the carriage ?

A. By the driver.

Q. How was she dressed ?

A. I believe all in white, and had on a straw bonnet.

Q. What sized woman was she ?

A. She was middle sized.

Q. Where did you last see her ?

A. By the side of the driver.

Q. What age was she ?

A. I thought her middle aged.

Q. Did she get upon the hustings ?

A. Yes, she got upon the stage.

Q. You call the hustings the stage, do you ?

A. Yes, it is what the Merry Andrews call a stage ; you would bother any one.

Q. And Mr. Hunt was the Merry Andrew ?

A. No, he was not more merry than the rest ; we were all merry in hopes of better times.

Q. Were you not desired to disperse ?

A. Only with the swords—nobody asked us to disperse—only trying to cut our heads off with their swords.

Q. Did you hear of any Riot Act being read ?

A. Yes, I heard it had been read at New Cross.

Q. You know I was not alluding to New Cross. I want to know if you heard of its being read at the meeting ?

A. I heard none, Sir ; if you come to that much, I did not hear of any Riot Act being read on that said ground, Sir.

Q. Did you see any body hurt on the ground ?

A. I went to the ground about an hour after the people were gone, and I saw some were throwing water in the people's faces to bring them too.

Q. Did you see any magistrate among the crowd ?

A. No, I saw nothing of the kind.

Q. Did you see John Lees cut ?

A. No, I did not ; but I saw plenty of constables striking with their truncheons.

Q. What, John Lees ?

A. No.

Q. I said striking him.

A. I beg your pardon, I did not hear that. I did not see him struck ; but I saw the constables laying on the people to some tune.

Q. Were there any persons on the ground before you arrived there ?

A. Yes, some ; and I saw a number of constables near the hustings, who were there about an hour before Mr. Hunt came.

Q. Did they beat or knock any one before the soldiers came ?

A. No.

Q. Did you not see a scuffle at the hustings ?

A. Yes, after the soldiers began with their swords.

Q. Were the constables doing any thing at this time ?

A. Yes, they were tearing the banners from the people.

Q. How soon after the soldiers came up, did this take place ?

A. As soon as they got past the constables. They knew the plot, I expect ; they all began together.

Q. Did the constables or the soldiers come first up to the hustings ?

A. They were all together, and drawn up in a circle.

Q. How far did the circle extend ?

A. That I can't say.

Q. Well, tell us what passed ?

A. Why I saw three pigeons fly out of a window, and the curtain was then dropped, and I suppose that was the signal.

Q. What reason have you to suppose so ?

A. Why, because the soldiers and constables directly began together playing their music with their swords and truncheons.

Q. What do you mean by music ?

Q. Why, the soldiers began cutting and slaying, and the constables began to seize the colours, and the tune was struck up ; they all knew of the combination.

Q. Were any of the colours saved ?

A. I have heard of one being saved, and that is all.

Q. Which were first attacked ; the colours or the people ?

A. The constables first attacked the colours ; but those who held them stuck very fast, for they were beautiful things, you know, and they did not like to part with them.

Q. Did they keep them after all ?

A. No, Sir, they left them ; I fled for my life, and the people for theirs ; for life, you know, is sweeter than any colours.

Q. Did you see what became of Mr. Hunt ?

A. No, I did not ; the last time I saw him was receiving the applause of the people.

Q. How many persons were there on the stage ?

A. There might be twenty or thirty ; some were playing music in honour of the day ; and a pretty sight it was, if we had not been disturbed by the soldiers.

Q. Had the soldiers who came about the hustings, hair on their upper lips ?

A. No, I did not see any with beards that I know of.

Q. Did you see any constables with the soldiers afterwards ?

A. Yes, I saw them in the afternoon mixed with the Yeomanry in the town, all rejoicing as much as they could.

Q. Are you sure you saw no soldiers except those without beards come up to the hustings ?

A. Yes.

Q. Do you know NADIN ?

A. No, and I don't wish to know him.

Q. Is he not much feared in this country ?

A. I believe he is, and with good reason.

[The Witness was then ordered to withdraw.]

Mr. JOHN SHUTTLEWORTH called in, sworn, and examined by the CORONER.

Q. Of what trade are you ?

A. I am a cotton and twist dealer.

Q. Where do you reside ?

A. At Manchester.

Q. What do you know of this business respecting the death of John Lees ?

A. On the morning of the 16th, about eleven o'clock, I was at the Exchange, and saw several of the country parties pass there.

Q. From whence did they come ?

A. From Lees, Mosley, Royton, and Saddleworth ; they were carrying banners, and marching in the best order in which large bodies could proceed, when they had to go any distance.

Q. How many abreast were they ?

A. They were two, three, four, and up to seven abreast ; and they were linked together, mostly by the arm.

Q. Had they any colours with them ?

A. Yes, they had several colours or flags with them.

Q. On seeing this, what did you do ?

A. I then went to the ground, and saw a double *cordon* or column of special constables arranged so as to form open lines of communication from Buxton's house into the crowd, towards the hustings.

Q. Did they reach to the hustings ?

A. They might ; but I will not state it positively ; but I can assert that they were within twenty or thirty yards of the hustings. I passed through the constables and stood near to the top of Windmill-street, which, being an elevated situation, commanded a view of the area.

Q. How long did you remain there ?

A. Perhaps, better than an hour.

Q. Did you see any other parties come in from the country ?

A. Yes, several ; they came marching in from several parts, with colours, and on their arrival were received with huzzas and cheers.

Q. Did you continue in the same station all the while?

A. No, when I understood that Mr. Hunt was coming, I moved lower down and approached within ten or fifteen yards of the hustings in front; and continued there till Mr. Hunt arrived. Immediately after his arrival I saw a company of the 88th Foot march into Dickenson-street, and face there. The meeting cheered them. In a few minutes afterwards the Manchester Cavalry marched into the ground round Cooper's cottage.

Q. Had Mr. Hunt arrived then?

A. Yes, he had. On their entering, the Cavalry were in very great confusion: but in a moment or two they formed opposite to and near the house of Mr. Buxton, where the Magistrates were assembled, and facing the hustings. Conceiving, from their appearance, that they meant to charge, I got into their rear.

Q. What made you think they intended to charge?

A. From the hasty, irregular, and violent manner in which they entered, and the way in which they formed; and also from the manner they brandished their swords over their heads. I would also observe, that as I was standing on a raised mound, within ten yards on their left flank, I perceived sufficient movements of them to satisfy me of their intentions.

Q. What were the movements?

A. Directly the Cavalry came, I observed considerable bustle and confusion, and there was a quick communication by speaking from one to the other.

Q. Where was the bustle you speak of?

A. Among the special constables; particularly those who were close to the Cavalry.

Q. What did you see done by them?

A. Immediately after the Yeomanry had huzza'd, and flourished their swords, the special constables who were between the Yeomanry fell back to make way for them to advance.

Q. What distance were the constables from the hustings when they fell back?

A. I should think fifty yards. Something was then said to them, and then they galloped and went out of line, into file.

Q. In what way did they proceed?

A. They were in great disorder, and from the direction they took, they got amongst some of the special constables, who had not had time to get in their rear. I watched them, until they got to the hustings, and I then turned about, and went off the ground through Mosley-street.

Q. Did you see any other soldiers besides the Yeomanry Cavalry?

A. Yes; I met some troops, which, I understood, were part of the 15th Hussars, and some of the Cheshire Yeomanry.

Q. Where did you see them?

A. I saw them go into the field by the corner of Mr. Buxton's house.

Q. At what pace were they going?

- A. They were going very quickly ; I think at a gallop.
- Q. Did you see any Magistrates on the ground ?
- A. I saw several at Mr. Buxton's, house from a little after eleven o'clock, up to the moment of the Yeomanry charging.
- Q. Did you see them more than once ?
- A. Yes ; I saw them at intervals passing in and out.
- Q. Did you know who they were ?
- A. Yes ; their names are, Mr. Ethelstone, Mr. Norris, a stipendiary Magistrate ; Mr. Wright, and Mr. Fletcher, commonly called Colonel Fletcher ; there were others whom I know from having seen them at the New Bailey, but I can't swear to their names.
- Q. Did you hear them say any thing ?
- A. No, I did not ; I saw them occasionally come out and speak to persons about the doors, who appeared to be special constables.
- Q. Did you see Mr. Hay there ?
- A. I can't swear positively that he was there.
- Q. Did you hear the Riot Act read ?
- A. I certainly did not hear it read, or see any thing like it take place.
- Q. Did you hear any direction given by the Magistrates, or the special constables, to disperse the meeting ?
- A. No, I did not ; and I am sure none were given, for if there had been I must have observed them.
- Q. When you left the ground where was Mr. Hunt ?
- A. He was still addressing the people.
- Q. How far from the hustings and from Mr. Buxton's house were you then ?
- A. I was not more than a hundred yards from the stage, and I was about twenty from Mr. Buxton's house.
- Q. How long were you altogether on the ground ?
- A. It was about twelve o'clock when I was standing on the eminence before mentioned, and when the Cavalry rushed into the crowd it was about half-past one ; so that I must have been there an hour and a half.
- Q. Did you see who came in Mr. Hunt's carriage ?
- A. I saw Knight and Johnson, but no other person whom I knew.
- Q. Did you see any female ?
- A. Yes ; upon the dicky I think there was a woman.
- Q. How many people in all did you see in Hunt's carriage ?
- A. In all, I suppose, there were six or eight ; but I noticed only one woman. I can't say whether there were more or not.
- Q. How long was it before Mr. Hunt got from his carriage on the hustings ?
- A. It might be five or six minutes.
- Q. How long after that was it before the Cavalry charged ?
- A. I cannot state precisely ; but I should think not exceeding fifteen minutes.
- Q. Had there been any tumult, riot, or disturbance, before the soldiers entered ?

A. Not the slightest.

Q. How near to Windmill-street were the hustings erected ?

A. About fifteen yards from it.

Q. Were the streets crowded ?

A. Windmill-street was very much crowded ; particularly the lower end, near to Deansgate.

Q. Was the part where you stood very crowded ?

A. It was not so crowded as others, because a large *posse* of special constables were stationed there, among whom I stood.

Q. How long was it after you left Windmill-street that the Cavalry went into the crowd ?

A. It was not more than two or three minutes ; I had just time to get behind them, and they instantly made the charge.

Q. What do you call a charge ?

A. Galloping among the people with swords drawn, and cutting them.

Q. Then you saw the soldiers cutting ?

A. From the manner in which they flourished their swords and let them fall, I have no doubt of it.

Q. How far were you from them ?

A. Not perhaps so much as fifty yards.

Q. Did the swords appear to you to have struck people ?

A. Yes, they did.

Q. Was there a great tumult and noise ?

A. Yes ; there was a tremendous uproar. It would have been impossible, as I think, to have heard even the roar of a cannon.

Q. Did you hear any person complain in particular ?

A. No ; I did not.

Q. What did the noise seem to express ?

A. Alarm and surprise from the people in all parts of the meeting.

Q. By whom were the cavalry led on ?

A. By two or three trumpeters.

Q. Did you know either of them ?

A. No ; the only person I recognised was Mr. Birley.

Q. When did you see him ?

A. Immediately before the charge was made.

Q. Do you know what he is ?

A. No, I do not ; but I believe him to be an officer.

Q. Did you know any others of the Yeomen ?

A. Yes, many ; but did not recognise them so as to be able to speak to their joining in the charge.

Q. Then how did you recognise Mr. Birley ?

A. Because I saw him in conversation before Mr. Buxton's house.

Q. Did you hear who gave the command ?

A. No ; I did not.

Q. How many Yeomen do you suppose there were ?

A. I should have thought there were a hundred ; but I have been told since there were only sixty.

Q. Were there any more Cavalry came up after they moved from Mr. Buxton's house?

A. No; not while I remained.

Q. How long did they remain before Mr. Buxton's house?

A. They only drew up, got out of facings into file, and then galloped in.

Q. Was any notice or warning given for the crowd to disperse?

A. Not that I heard.

Q. If there had been any notice or warning of any kind, must you have heard it?

A. I think it hardly possible there should have been any without my hearing it.

Q. Did the soldiers proceed to the hustings at a quick pace?

A. They set off quickly; but appeared to be retarded by the crowd, when they had proceeded some short distance; and on getting nearer to the hustings, there appeared a struggling effort to press forward, because the crowd was so dense there.

Q. Could they proceed to the hustings without the line being broken?

A. No; the line was soon broken after they commenced the charge.

Q. How far from the hustings was the line broken?

A. Perhaps thirty yards; it seemed to have been occasioned by the foremost being stopped by the intensity of the crowd, while those behind, endeavoured to get into the heart of their companions; indeed they seemed a circular mass, rather than a line of soldiers.

Q. Did they get up to the hustings in that confused state?

A. Yes, they did.

Q. Did the constables make way for the Yeomanry?

A. Yes; those who occupied the ground which was not much crowded, opened a way for them; it seemed to be the intention of the Yeomanry to go by the *cordon* of constables, or by the space they had occupied; but when they got into the crowd, they became confused, as I have stated.

Q. Was it possible for any one, who wished to get to the hustings, to have got there?

A. It was very easy for any one to have gone to the hustings between the two cords of constables—(*the witness referred to the plan, and pointed to the situation which this double line of constables occupied*)—I myself saw people walking through this space, up to within two minutes before the charge.

Q. Did you see Mr. NADIN, there among the crowd?

A. I saw him repeatedly on the ground, sometimes outside the crowd, and at other times in the body of the meeting.

Q. Did you see him when the charge was made, as you call it?

A. No, I did not.

Q. Were the magistrates in or out of the house when the charge was made?

A. I don't know.

Q. What caused the Cavalry to act as they did?

A. God knows ; I cannot tell.

Q. Why did they not act sooner or later ?

A. The reason they did not charge sooner or later is best known to themselves ; I saw no reason for their doing it at all.

Q. You saw no reason ?

A. No, I did not.

Q. Did you see constables striking people with their truncheons, or ill using them ?

A. No, I did not.

Q. When were the colours taken ?

A. I cannot tell ; I did not see them taken, and conclude it was not done until after I left the ground.

Q. When did you leave the ground ?

A. Not until the hustings were surrounded by the Cavalry.

Q. As the Cavalry approached to the hustings, were there any stones thrown at them ?

A. Not one.

Q. Was any stick used or thrown ?

A. Not that I saw, nor do I believe any stick was either thrown or used by the people while I was on the ground.

Q. Could you see what was passing at the hustings when the Cavalry got up ?

A. No, I was going away at the moment, and my view was intercepted by the dust they raised in making the charge.

Q. Did you hear the report of fire arms ?

A. No, I did not.

Q. Were any of the people armed ?

A. I saw nothing in the hands of any of the people, except common walking sticks, and it did not appear to me that more than one or two in ten had even a walking stick ; indeed the quantity of sticks appeared to me to be few, considering that the men had travelled from the country.

Q. Was there any thing unusual in the appearance of the sticks you saw ?

A. Nothing.

Q. That is your opinion ?

A. It is, Sir ; I have observed, weavers and others who come from the country, generally have sticks of a similar description.

Q. Do you mean to say on all occasions ?

A. No, Sir ; I said generally when they travel.

Q. Did you see the ground after it was cleared ?

A. I did ; and I passed over it in the morning about nine o'clock.

Q. How long after it was cleared, did you see it ?

A. As I did not remain to see it cleared, I cannot answer that question ; but it was about three o'clock when I next saw it.

Q. And what was the appearance of it then ? was it the same as in the morning, or different ?

A. At three o'clock the ground had altogether a different ap-

pearance; it was then very much trampled, and in some places stained with blood.

Q. Did you not see sticks or stones lying on the ground after it was cleared of the people, which you had not seen in the morning?

A. I saw no stones or sticks lying on the ground; and therefore, in that respect, I observed no difference in the appearance.

Q. How long did you remain on the ground after Mr. Hunt arrived?

A. Only about a quarter of an hour.

The Witness examined by Mr. HARMER.

Q. Are you personally acquainted with Mr. Hunt?

A. No, I am not; I never spoke to him, and I had only seen him twice in my life; on one occasion he was speaking at a public meeting in London, and the other was, when he was passing through Manchester.

Q. Had you any thing to do with convening the meeting, or with the arrangements when it took place?

A. Nothing, whatever.

Q. Did you see any females on the ground?

A. Yes, many.

Q. Were they decently dressed?

A. They were.

Q. How did they conduct themselves?

A. Most properly.

Q. Did you observe any tumult, or any disposition to create a riot or break the peace?

A. No; not the slightest.

Q. Did you see any magistrate or other persons go into, or near to the crowd, and hear him or them with a loud voice proclaim silence?

A. No.

Q. Did you hear the Riot Act read?

A. No.

Q. Could either of these things have taken place, without your observing it?

A. I think it scarcely possible that such a movement could have been made without my observing it.

The Witness re-examined by the CORONER.

Q. Did you see any of the women carry flags?

A. The woman on the dicky of the carriage, I believe, had a colour in her hand.

Q. Did you see her with it?

A. No; but I was told that a female carried a flag in passing the Exchange.

Q. You said the women behaved properly; do you call it proper for women to carry flags?

A. When I said they behaved properly, I meant that they were peaceable and tranquil, but as to their carrying flags, that is another question.

Q. You say they were well dressed, what do you mean by that? were they dressed like respectable people?

A. No; they appeared like country people, who had put on their best clothes for the occasion.

Q. Did you see any of the females with flags on the hustings?

A. I think I saw one female on the hustings holding a little flag.

Q. How long were you on the ground?

A. From half-past eleven, until my leaving the crowd.

Q. Might not the Riot Act be read without your knowing it?

A. I think if it had been read, I must have known it.

Q. At what time did you leave the ground?

A. At about half-past one; directly the Cavalry charged.

Q. At half-past one you left the field?

A. I do not mean to be precise; but about that time: I calculate the time by circumstances. I got home a little before two, to dinner, and I had gone more than a mile in the way I went.

Q. Did you hear any of the populace menacing or threatening?

A. No, on the contrary; whatever conversations I overheard among those who took an interest in the meeting was, an interchange of exhortations to keep peaceable and tranquil; and I was very much struck with many remarks I heard of that kind.

[*The Witness withdrew.*]

JOSEPH CHADWICK, a Constable, called in, sworn, and examined by the CORONER.

A JUROR—(*Addressing the Coroner*)—Sir, I understood that you ordered no person to be in the room, who was to be examined as a witness; but Mr. Chadwick has been in the Court all day, and you are now going to examine him.

The CORONER—He has been attending me, as was his duty.

The Witness examined by the CORONER.

Q. What is your business?

A. I am a hatter.

Q. Where do you live?

A. At Oldham.

Q. Were you present when Mr. Cox opened the body of the deceased?

A. Yes.

Q. Was any other person present at that time?

A. Yes, James Cleggs.

Q. Tell us what Mr. Cox said, respecting the cause of Mr. Lees' death?

A. Mr. Cox first made a long incision ; he wanted to see if he died of a wound in his side.

Mr. HARMER—(to the Coroner)—Surely, Sir, this is not evidence. Mr. Cox has already told us what he did, and the observations he made. Do not let us have the evidence of surgical examinations given by this man, who cannot be so capable to give evidence on the subject as a medical gentleman.

The CORONER—I am of opinion that it is evidence.

Mr. HARMER—What, Sir! is he to be allowed to state even the operations of Mr. Cox's mind? He tells you Mr. Cox opened the body because *he wanted to see* something : how is it possible he should know Mr. Cox's object?

The CORONER—(to the Witness)—Did Mr. Cox say any thing respecting the deceased?

A. Yes, he said, "I see the cause of his death;" and when James Cleggs asked what it was? he said, it was from injuries he had received.

Q. Was that all he said relative to, or as accounting for, the cause of the death?

A. Yes.

Q. Did Mr. Cox say any thing concerning the cut on his elbow?

A. He said, that was not the cause of his death ; it was the outward bruises that were the cause of his death.

Q. Did he not say, that if blood had been taken from him, he would have recovered?

A. He said, if proper means had been taken, he probably might have recovered ; but he could not say that he would have recovered.

A JUROR—(to the Witness)—Do you recollect any message being sent down to the parents?

A. No, I don't.

Examined by Mr. HARMER.

Q. Do you not recollect a message being sent to the parents after the body had been examined?

A. No, I do not.

Q. With whom have you conversed on the subject of the evidence you were to give?

A. I have not talked to any body.

Q. How then was it known what you could prove? Who told you, what you were to come here for?

A. Nobody told me, only one of the Jury.

Mr. HARMER.—Then I take leave to say, that such Juryman has acted very indiscreetly and improperly ; he ought not to converse out of Court with any witness on the subject of his evidence.

A JUROR—What I said was in Court, just when the witness entered.

Mr. HARMER—(to the Juror who spoke)—Still, Sir, any private

communication in Court between a witness and the Jury is improper. The Court, and every one present, ought to hear what passes.

The JUROR—You might have heard if you would. I spoke loud enough.

Mr. HARMER—I certainly did not hear ; or I should not have presumed to offer an observation on the subject.

The CORONER—Well, let us proceed.

Examination of the Witness resumed by Mr. HARMER.

Q. Who employed Mr. Cox ?

A. I don't know.

Q. How happened it that he came to examine the body ? As you were the constable, surely you can tell us ?

A. No, I can't. I met my father and Mr. Cox on the road, and my father asked me to go with Mr. Cox to Lees'.

Q. Then, after Mr. Cox had examined the body of the deceased, he said he had died of the injuries he had received ?

A. Yes.

Q. And that he could not say that bleeding would have preserved his life ?

A. Yes, he could not say whether he would have lived or not.

A JUROR—(*To the Witness*)—What impression did the sight of the body leave on your mind as to the cause of his death ?

A. I thought his death was occasioned by pressure, and not from any external bruises.

[*The Witness withdrew.*]

Mr. HARMER (*addressing the Coroner*)—On Saturday, when Mr. Basnett was examined, I was not aware that he had been in Saint Peter's-field when the meeting took place ; but having since learnt that he was at the window of a house in Windmill-street, in a situation to see the proceedings of that day, I have requested his attendance to state what passed under his observation ; and as he is extremely unwell, and anxious to return home immediately, I shall feel obliged if you will now take his further evidence.

The CORONER—(*to Mr. Harmer*)—Very well, let him be called.

Mr. BASNETT called in, sworn, and re-examined by the CORONER.

Q. Have you been in Court this day ?

A. Not until this moment.

Q. Were you at the meeting on the 16th of August ?

A. I was.

Q. Did you see Mr. Hunt arrive ?

A. Yes ; he came in an open carriage, about one o'clock ; and after he had spoken for about five or ten minutes, I saw the Cavalry approach.

Q. What Cavalry ?

A. The Manchester Yeomanry.

Q. Did you see them draw up opposite Mr. Buxton's?

A. Yes; and I saw them advance and proceed towards the hustings.

Q. What happened there?

A. Great confusion took place, and when they surrounded the hustings I heard cries of "Murder!" and "Save us, save us!"

Q. Did you see any person hurt?

A. Yes; I saw several fall opposite to the house where I was, in Windmill-street.

Q. Whose house was that in which you were?

A. I think the occupier's name is Croft.

Q. How far from you, did the persons fall?

A. About two hundred yards.

Q. What more did you see?

A. Nothing; for I was so shocked, that I retired into a back-room, and desired the women who were with me to do the same, being fearful that their screams might bring persons to the door.

Q. How long did you remain there?

A. Probably an hour; and when I thought I could retire with safety, I left the house and went home.

Q. What time was that?

A. About a quarter past two.

Q. How is the house, where you were, situated, with respect to St. Peter's-field?

A. It fronts it.

Q. What caused the persons to fall, to whom you have alluded?

A. I saw a soldier cutting at a woman in the centre of the field, and she fell.

Q. What soldier was he?

A. A Manchester Yeoman.

Q. How do you know that he was a Manchester Yeoman?

A. By his dress.

Q. Were there many people betwixt you and the Yeoman?

A. Yes.

Q. Where were you when Mr. Hunt arrived?

A. I was in the house, and did not go out the whole time.

Q. Did you see any special constables on the ground?

A. Yes.

Q. What number were there?

A. I can't tell; but there were a great many.

Q. Did you see them strike any body?

A. Yes; I saw them striking several blows.

Q. Why did they do this? was it to disperse the people?

A. Yes; they were dispersing them with blows.

The Witness examined by Mr. HARMER.

Q. How long were you at the window before the arrival of Mr. Hunt?

A. Probably twenty minutes.

Q. Were the people peaceable and good humoured during that time?

A. Yes, they were.

Q. Before the Cavalry charged, was there any disturbance or riot?

A. Not the least. The people appeared perfectly peaceable and quiet until then.

Q. Was the first and only disorder, then, occasioned by the approach of the military?

A. Yes, certainly.

Q. Was any attack made, or even insult offered to the military?

A. None.

Q. Did you hear the Riot Act read?

A. No; I did not.

Q. Did any thing pass under your own observation or otherwise, to induce you to believe that the Riot Act had been read?

A. Nothing.

Q. Was any attempt made to disperse the meeting previous to the incursion of the military?

A. None, that I saw or heard.

Q. If any stones had been thrown, or sticks used, by the multitude, must you not have seen it?

A. Yes, I must.

Q. Then, did you see any stones thrown at the Cavalry?

A. No; I did not.

Q. Were any sticks used against them?

A. None whatever.

[*The Witness withdrew.*]

Mr. WILLIAM NORRIS BUCKLEY called in, sworn, and examined by the CORONER.

Q. What are you?

A. I am a merchant and tradesman at Manchester.

Q. What do you know of this business?

A. I saw parties coming into Manchester to attend the meeting on the 16th.

The CORONER (*to Mr. Harmer*)—What is the gist of his evidence?

Mr. HARMER—I understand he can speak to the whole proceedings of the 16th.

The CORONER—But he knows nothing of John Lees?

Mr. HARMER—No, Sir; but it seems scarcely necessary for me to state, that if the attack were made without necessity—if there were no riot or disturbance to justify even the interference of a peace officer, yet a body of military are sent in to cut down and trample on the unarmed and unoffending people, so as to occasion death, it is murder. And I mean to state, that all those concerned, and who were present aiding and abetting, whether they be magis-

trates, soldiers, or constables, are, in the eye of the law, guilty, as principals, of the murder.

The CORONER (*to the Witness*)—Well, Sir, proceed.

WITNESS—I saw a large party of men come up Deansgate, about 12 o'clock.

Q. How many did the body consist of?

A. There must have been four or five thousand of them—they were linked together arm in arm.

Q. Had they any flags?

A. Yes, of various descriptions, with inscriptions.

Q. How many flags had they?

A. I suppose, six or seven.

Q. Can you remember any of the inscriptions?

A. Yes; there was "UNIVERSAL SUFFRAGE," "ANNUAL PARLIAMENTS," and "LIBERTY OR DEATH."

Q. After this, did you see any other parties enter the field?

A. Yes; I saw a party come down Mosely-street to the meeting.

Q. Had they flags?

A. Yes they had.

Q. Had they any inscriptions on them?

A. I do not recollect.

Q. Had they music with them?

A. Yes; they had a band which played "Rule Britannia," as they were passing St. Peter's church.

Q. Were they peaceable and quiet in their conduct?

A. Perfectly so; and one party was headed by an old woman.

Q. How was she dressed?

A. She had on a reddish gown, and a black bonnet with a sprig of laurel in front of it.

Q. Did you hear her say any thing?

A. No, I did not.

Q. Had the men any thing that you observed?

A. Yes; about a dozen of them had pieces of laurel in their hands, which appeared to me as an emblem of their peaceable disposition.

Q. Had any of them sticks?

A. I observed none.

Q. How many parties did you see?

A. Three or four.

Q. Where were you at this time?

A. I was standing on the steps of St. Peter's church, and saw them all distinctly while they passed.

Q. How many were in the last party?

A. Three or four thousand, I should imagine.

Q. Did they proceed to the hustings?

A. Yes; but being the last party they had some difficulty in getting there.

Q. What occurred when these parties arrived?

A. They were generally greeted by the multitude assembled, when they joined them.

Q. How were the hustings situated in regard to the Quakers' chapel?

A. The Quakers' chapel was nearly in a line with the hustings.

Q. How long was it after the last party arrived before Mr. Hunt came?

A. About half an hour.

Q. After those parties had passed, where did you then go?

A. After the whole had passed, I left the steps, and went on the ground towards the body of the meeting, in front of Mosely-street, and I heard the sentiments of many persons as to their peaceable and quiet intentions; and it was the general observation of the persons I spoke to, that there was no danger of any disturbance, if the people were not interrupted and disturbed.

Q. Did you hear any thing about the military coming while you were in this situation?

A. Yes; whilst I was standing here, I heard that the Cavalry were filing off from Pickford's Yard, and I then went to Portland-street to see them.

Q. Did you see the Yeomanry Cavalry there?

A. Yes; I saw them load their pistols there.

Q. How many of them were there?

A. About sixty; I saw all that were in Portland-street load their pistols.

Q. Did you see the Cavalry do any thing more?

A. I saw them told off to the right and left, while I was standing at the end of Nicholas-street; after this I went back to St. Peter's church, in company with a friend of mine, Mr. John Moon.

Q. By the time you got back to St. Peter's church, had Mr. Hunt arrived?

A. Yes, he had; but as I wished to hear him, I did not remain; but after standing for three or four minutes at the North East end of the church, I went opposite Mount-street again, and stood about 100 yards from the hustings; while I was here I saw Mr. Hunt take off his hat and address the people, but I had not been more than from five to ten minutes in this place, when I heard an alarm, a general cry of "the soldiers are coming," and in a very short time afterwards they unfortunately made their appearance.

Q. What soldiers were they?

A. The Yeomanry Cavalry were the first that came into the field; two trumpeters first appeared; they rode pie-bald horses; they came up in front of Mr. Buxton's house, where they made a stand, or took up their stations as pivot men; shortly after, the body of Yeomanry Cavalry rushed round Cooper's Cottage, in great confusion, and dressed themselves in line by the trumpeters.

Q. Did they come in quietly or otherwise?

A. They came in galloping, pell-mell, one upon another, with their swords drawn; I immediately decamped from that situation,

and had only time to discern their faces, and observed they looked remarkably pale.

Q. How near were you to them?

A. They passed betwixt me and Mount-street, on the other side, within three yards of me.

Q. What became of you after you left the situation by Mount-street?

A. I immediately set off towards the Quakers' Meeting-House, with the intention of leaving the meeting altogether, but as I was passing the Quakers' yard a thought struck me that I should be safe there, and I climbed on the wall, and had an opportunity of seeing the proceedings. I had only sixty yards to go, and at the time I got there, they were brandishing their swords in the air, and they then dashed amongst the crowd.

Q. Had there been any uproar and noise among the people?

A. There was a hurrah by the meeting, and the Yeomanry went forwards and dashed among them.

Q. By whose orders did they do this?

A. I cannot tell.

Q. Who led them on?

A. I saw them come in a body; I did not see any particular person lead them.

Q. How long did you remain in the Quakers' chapel yard?

A. Until there was a complete dispersion of the meeting, which occurred about five minutes after I got there.

Q. Which way did the people go?

A. Some rushed from the hustings towards me, and endeavoured to pass a narrow outlet close to where I stood, but they could not get past on account of the great pressure, and they appeared so pressed together as to be in a state of suffocation; while they were in that state, the Yeomanry who had pursued them struck them with their swords.

Q. Did they strike with the edge or flat side?

A. With the flat side, as I think; while I was in the chapel yard I heard the report of a pistol; on looking round in the direction from which it appeared to come, I saw two or three Yeomen riding after the people in the yard, and cutting as they passed at those who, like myself, had taken shelter there.

Q. From whence did the report of the pistol come?

A. Thirty or forty yards from me towards Deansgate.

Q. Who fired it?

A. I can't say, but I should imagine from the report the pistol had not been loaded with ball.

Q. With what did the Yeomanry load?

A. Apparently with cartridge; I don't know whether they had ball in them; but it struck me they were beginning to fire ball, and I ran across the yard and jumped over the wall.

Q. What made you go away?

A. I apprehended they would cut me.

Q. Did you see whether they cut the people at whom they were striking?

A. They struck; but whether they wounded any one I did not see, for I was too anxious for my own safety to look after other people.

Q. What reason had you to suppose they would cut you?

A. Because the attack was indiscriminate, and if I had not been startled by the report of the pistol, I should have been probably cut myself; but in consequence of hearing the pistol fired, I turned round, and perceived three of the Yeomanry coming down the yard, as I have before stated.

Q. Which of the Yeomanry in the yard, did you know?

A. I knew none in the yard, but in Mount-street I saw Mr. P. Sharp, Mr. Whitton, attorney, Mr. James Moon, whom I know, and also others whose names I am unacquainted with, although I know their persons.

Q. Were they officers or privates?

A. I believe they were privates.

Q. When was it they looked pale?

A. When they came up to Mr. Buxton's.

Q. Whom did you see in the act of striking?

A. I saw Mr. Fox, one of the Yeomanry, in the act of striking people under the wall. He was down below the Quakers' yard; in alarm I got over the wall, and found myself awkwardly situated, for I found some of the Yeomanry in Dickenson-street, and felt apprehensive of my personal safety.

Q. You might feel fear where there was no occasion; did any person offer you violence?

A. No; but it was impossible not to be afraid after what I witnessed; they struck down a poor old man who was hobbling along on a crutch in Dickenson-street.

Q. With what part of the sword was he struck?

A. I saw the old man fall, but whether he was struck with the flat or the edge of the sword I cannot precisely say.

Q. Did the Yeoman say nothing to him?

A. Yes; he said, D—n your soul, what do you want here? as he struck him, and then galloped off.

Q. Who was the old man?

A. I don't know. He was lame and supported on a crutch in one hand and a staff in the other.

Q. What then became of you?

A. I saw a quantity of soldiers stationed in Dickenson-street, and I did not think it safe to pass them, so I went up Lloyd-street.

Q. Did you see the foot soldiers do any thing?

A. No; I did not see them strike any one, or move from their situation; they appeared to be stationary.

Q. Did you see or hear the Riot Act read?

A. I neither heard it nor saw the appearance of its being read.

Q. Did you know that Magistrates were upon the ground?

A. I was not aware of it.

Q. Have you had any quarrel with any of the Yeomanry?

A. No, I have not.

Q. Then why did you think yourself in danger?

A. I was afraid, from the manner in which they came up, that they meant to disperse the meeting with violence.

Q. Where did you stand, and for what length of time?—How long did you stand by Mr. Buxton's house?

A. About five minutes.

Q. How near to it?

A. About 20 yards from it.

Q. At what time was that?

A. Betwixt one and two o'clock.

Q. At what time did you arrive?

A. I was first there from half-past twelve to one o'clock, and remained there about five minutes.

Q. Did you, at that time, hear the Riot Act read?

A. No, I did not.

Q. Where did you say you saw the Yeomen load?

A. In Portland-street: I looked for them in the station they were in at the Blanket meeting.

Q. Did you see the special constables?

A. Yes; they were in a line from Mr. Buxton's house to the hustings.

Q. Where were you when the Cavalry charged?

A. In the Quakers' Meeting-House yard, as I said before.

Q. How long did the soldiers remain in front of Mr. Buxton's house before the charge was made?

A. Not more than two or three minutes.—I saw them move from before the house to the charge. There was a complete convulsion when the soldiers rode their horses among the multitude, and they seemed to be laying about them with their swords, in their way towards the hustings; and when they arrived there, they cut down the people that held the flags.

Q. Where was Mr. Hunt at this time?

A. He seemed to disappear all at once, as if he had been shot.

Q. How many flags were there?

A. Possibly fifteen or sixteen.

Q. Are you not aware that there were Hussars then near the hustings?

A. I am not; the first Hussar I saw was under the wall, ordering a young man to throw down a green flag: at this instant I heard the report of a pistol, and don't know what became of the young man or the Hussar.

Q. What then became of you?

A. I went to a private house in Great Princes-street, where I remained from half-past one to two o'clock.

The Witness examined by Mr. HARMER.

Q. Did you see any sticks in the hands of the men?

A. I did not see any.

Q. If the men had sticks of an uncommon size, must you have observed it?

A. I must.

Q. Was there the smallest disposition to riot or disturbance before the military came?

A. No, there was not; and I heard many persons say that they were sure there would be no riot if they were let alone.

Q. Let alone by whom?

A. As I understood, by the magistrates and soldiers.

Q. Were there many present who did not seem to have any connexion with the Reformers?

A. There were, and I mixed with them.

Q. How long were the people assembling?

A. From eleven till half-past one.

Q. In what time were they dispersed?

A. In about five minutes.

Q. Where were you at the time of the dispersion?

A. As I was passing the Quakers' yard, a thought struck me that I should be safe there, and I climbed over the wall, where I had an opportunity of witnessing the proceedings. I saw women, with children in their arms: many lying on the ground, with others assisting. I did not chuse to run any risque, as the carnage seemed to be indiscriminate.

Q. Then am I to understand, you supposed yourself in danger and made your escape, because you had observed the Yeomanry cutting indiscriminately at all within their reach?

A. Yes, it was; and as I considered myself as likely to be cut down as any other person, I thought it best not to stop and try the experiment.

Q. Did you, shortly after the 16th, examine the Quakers' burying-ground?

A. Yes, I did within three or four days after.

Q. Did you observe any thing particular as to the trees in the Chapel-yard?

A. Yes, I saw several of the branches had been cut off; and there were evidently sabre cuts on the trunks.

Q. Did you make any observation respecting the rails?

A. Yes, I saw marks of blood upon the rails, or, at least, something that had the appearance of coagulated blood.

The CORONER (*to Mr. Harmer*)—But you do not show that this was occasioned by the Cavalry?

Mr. HARMER—Not at present; but this witness, Sir, has proved that he saw the Yeomanry cutting at people in the Chapel-yard, and I intend to carry this proof still further, for I shall call witnesses who can prove, as I understand, not only that they saw persons wounded at this spot, but identify the Yeomen who inflicted the wounds.

Q. Did you return to the ground after the meeting was dispersed?

A. Yes, I did, and then saw people lying there apparently dead.

Q. What became of those persons?

A. The wounded people were taken away in a cart.

Re-examination of the Witness by the CORONER.

Q. How do you know the people were wounded? did you see their wounds?

A. No, I did not; but I saw blood in the cart.

Q. Do you mean to say that you saw the wounds of any one?

A. No, excepting one of the Yeomanry Cavalry, whom I saw carried on a shutter in Mosley-street.

Q. Where was he wounded?

A. I don't know, but I saw blood on his breast.

Q. At what time was this?

A. A little after two, as I think.

Q. Do you know how he got his wound?

A. No, I did not see how it happened, but I was told he was pursuing an old man, and—

The CORONER—Stop, you must not tell us any thing told you by others.—Who was the cavalry man?

A. I don't know, but Mr. Close can tell, for he was carrying his arms.

Q. What interest had you in seeing the events of the meeting?

A. None whatever; I was merely induced by curiosity to go there to see the proceedings, in consequence of the meeting being postponed from the Monday preceding.

Q. Where were you, when you saw the stones flung?

A. I was in the Quakers' yard, and an officer of cavalry was coming up to some people under the wall, and they threw bricks or stones at him, which caused him to retreat.

Q. Who was the officer?

A. I don't know who he was.

Q. Was this before you saw the soldiers in the yard of the Quakers' meeting?

A. Yes, it was.

Q. Where was the officer when the stones were thrown?

A. He was coming up to the people who were under the wall, with intention, as I thought, to attack them, and I supposed the stones were thrown merely in self defence.

Q. How many stones or bricks were thrown?

A. I imagine not more than three or four.

Q. What became of this officer?

A. On finding the people determined to resist him, although only with stones, he turned his horse and went away.

Q. Was he by himself, or in company with others?

A. He was alone.

Q. At what distance was he from the wall?

A. About thirty or forty yards.

The CORONER—Well, I have nothing more to ask you.

Mr. HARMER—I presume the Jury must be pretty well exhausted with the attention they have paid to the proceedings of this day, and after so many hours they must require refreshment. I cannot, therefore, expect you will proceed further to-night, as it is now past nine o'clock.

The CORONER—I think we must finish for to-night; the Jury, I dare say, have had enough of it.

A JUROR (*to the Coroner*)—I hope you, Sir, have had enough of it. I am sure we have, in being kept so many hours without our meals.

The CORONER—Mr. Harmer, have you many more witnesses?

Mr. HARMER—Yes, at least sixty.

The CORONER—What, are your witnesses increasing?

Mr. HARMER—Indeed, they are; the accumulation of numbers is proportioned to the inquiries which are necessarily made while this inquest is proceeding; and, I am determined to bring forward every witness that can elucidate the transactions of the 16th of August; especially as I am now told, there is an intention to produce evidence of a contradictory description.

The CORONER—I think it would be as well to close your evidence here, unless you can produce something more specific.

Mr. HARMER—I shall not desist until the fullest evidence be given to satisfy the Jury that there was no ground or justification for the cruel attack made upon the people, on the 16th of August.

The CORONER—Mr. Buckley, you may withdraw. [Mr. Buckley arose, and was proceeding towards the door, when he turned suddenly round, and said, "I recognise here, one of the Yeomanry Cavalry," and pointed to a person then standing near the Coroner.]

Mr. HARMER—What is his name?

Mr. BUCKLEY—I don't know his name.

Mr. HARMER—Did you see him among the Yeomanry on the 16th of August?

Mr. BUCKLEY—Yes, I did. I observed him telling them off right and left, before the charge.

Mr. HARMER—I demand his name. I charge him with wilful murder.

[*Here the Coroner and the persons sitting round his table, and also Mr. Cooke, an attorney, who was on the audience side of the Court, at a short distance from Mr. Harmer, and who was understood to be attending on behalf of the Magistrates, ejaculated with apparent surprise, "Wilful Murder!"*]

Mr. HARMER—Yes; wilful murder. I mean not to shrink from the expression; on the contrary, I assert, and confidently contend, that every man of that corps, who entered the crowd in the manner the witnesses have stated these Yeomanry did, is, in the eye of the law, guilty of murder.

[*The Coroner and the other gentlemen at his table simultaneously said, "Take down his words," while each fulfilled the injunction of the rest.*]

Mr. HARMER (*to them all*)—Yes! take down my words. I wish them to be taken down, and for that purpose will repeat them.

[Mr. HARMER *began to repeat, when he was interrupted by Mr. RADLEY, an attorney, who was at the Coroner's table, and who arose, and addressing Mr. HARMER, said, "Speak slowly, if you would wish your words to be taken down."* Mr. COOKE joined in the same request.]

[*The CORONER was at this time writing, and Mr. HARMER apparently waiting till he was ready to attend to him, and take down his words, as he should repeat them.*]

The CORONER (*looking towards Mr. Harmer, after a short interval*)—Have you any thing more to say?

Mr. HARMER—I must trouble you to read what you have already written, before I can answer that question.

The CORONER—Your clerks can tell you the words.

Mr. HARMER—I am addressing myself to you, Sir, as the Judge of this Court, by whose order my words are to be taken down. I wish you alone to take them; and trust implicitly to your honour and liberality to do me justice, and write them accurately. You have been writing something, as having been said by me. I wish to hear what is written, that I may have the opportunity of correcting or avowing it.

The CORONER—I have only taken notes for my own information; and your words are, perhaps, not correctly taken. You are surrounded by Gentlemen from London, who will take your words down, and I perceive you have four clerks of your own, who have, no doubt, taken your words more accurately.

Mr. HARMER.—You are mistaken, Sir, in supposing I have so many clerks; these gentlemen (*pointing to several Reporters*) are not connected with me; but, Sir, I wish that you, in preference to any other person, should take down what I say, because I have confidence that my expressions will not be distorted by you.

The CORONER—I decline taking more than I have already done.

Mr. HARMER—Will you be so good as read your notes?

The CORONER.—No, I shall not.

Mr. HARMER (*addressing his Clerk*)—Then I must beg you will take down, distinctly, what I mean to say, so that I may not be subject to misrepresentations, or have to rely on the accuracy of persons who are strangers to me. I mean to say, that every member of the Yeomanry corps who entered the field, and joined in the attack on the people, on the 16th of the last month, without any cause or provocation, is guilty of wilful murder; and if the person now in the room, acted as one of them, I charge him with wilful murder, and crave his name.

The CORONER—No man is bound to criminate himself.

Mr. HARMER—Certainly not; but to give his name is surely not criminating himself. If he refuses to answer me, I call upon you to procure his name, and to detain him in custody upon the charge I have offered.

The CORONER (*after a considerable pause*)—Does any one know his name?

Mr. HARMER's Clerk*—I know his name: his name is WILLIAM GREGSON.

Mr. HARMER—Then, Mr. Coroner, I contend, that you have a right, upon the evidence already given, to issue your warrant and to commit him.

The CORONER—I do not feel myself justified in so doing. You complained that suggestions have been made to me, and you have, yourself, four clerks, who give you assistance and suggestions.

Mr. HARMER—You are mistaken, Sir; I have no persons to assist me but Mr. Denison and this gentleman, who writes the evidence for my use. The other gentlemen to whom you allude, sit at the table by mere accident. The Reporter for the Chronicle, Mr. Finnerty, I have no connexion with; and this gentleman on my left hand, I have not the slightest knowledge of. I should be happy to be acquainted with him, but at this moment I do not even know his name. It is, therefore, unnecessary for me to add, that he has no concern whatever with me; and I deny that he has given me assistance; our conversations, to which you perhaps allude, have been confined to general observations on the passing occurrences.

The CORONER—I have seen him often giving you assistance and suggesting questions.

The GENTLEMAN alluded to, Mr. Ross, *the reporter of the Times*, arose, and said, Mr. Coroner, I must most distinctly deny that I have any connexion whatever with Mr. Harmer. I have not assisted him by suggestions or otherwise. I am not aware that I ever spoke to him, until I saw him here upon this occasion.

The CORONER—You have been frequently talking to him during the day?

Mr. Ross—Yes, I have; merely because I happened to sit beside him.

The CORONER—There is a gentleman (*alluding to a gentleman on the left of Mr. Ross*) on the other side. You have not been talking to him.

Mr. Ross—Yes, I have talked to him.

The CORONER—But not so much as to Mr. Harmer?

Mr. Ross—No, certainly not.

The CORONER—(*to Mr. Ross*)—I have not the honour of knowing your name; what is your name?

A PERSON—(*at the Coroner's table*)—His name is Tyas.

Mr. Ross—No, Sir; my name is Ross.

The CORONER—Where have you come from?

Mr. Ross—From London.

The CORONER—For what purpose?

* It may be right here to explain, that the Gentleman who acted in this capacity was only engaged at Manchester for that purpose.

Mr. ROSS—To give an impartial account of these proceedings to a London newspaper.

The CORONER—What paper is it?

Mr. ROSS—The TIMES.

Mr. HARMER—(to the Coroner)—I cannot, Sir, help remarking that it appears to me strangely inconsistent that a Manchester Cavalry Yeoman should be sheltered from giving his name, and almost at the same instant, this gentleman should, without any reason or necessity, be compelled to declare, not only his name, but his object in being here.

The CORONER—It was not to impeach him that I asked his name.

Mr. BUCKLEY re-examined by the CORONER.

Q. Were you here on Saturday?

A. Yes, I was.

Q. Were you in this room?

A. I was, until the order was given to exclude witnesses; but I did not enter the room since, until I was called to give evidence.

Q. You knew that GREGSON was a witness sent for by Mr. Harmer?

A. Yes.

Q. How came you to challenge Mr. Gregson for being in the room, knowing that Mr. Harmer summoned him to attend as his witness?

A. I knew there was a witness named Gregson to be called by Mr. Harmer, but I did not know this was the man.

Q. How came you to know that a witness of that name was to be called?

A. I don't recollect—(after a pause)—I now remember, I saw the name in a list on the table of Mr. Harmer's room, at the Albion Hotel.

Q. Then you have seen a list of Mr. Harmer's witnesses?

Mr. HARMER—No witness, Sir, is mine; they are all witnesses for the public; I have, as it was my duty, inquired, and discovered many who could give evidence respecting the transactions of the 16th of August; I put in their names to you that they may be called. But there are many with whom I have had no communication, as was the case with this man; and I did not know he was present, much less did I expect that any witness summoned by me should be allowed to come into your side of the room, and be standing just at your elbow.

The CORONER—You should take care of your own witnesses; I am not to take charge of them; you have said, you receive no assistance from any one, when I have myself seen you receive many notes.

Mr. HARMER—Not one, except from my friend Mr. Denison.

The CORONER—Mr. Denison, then, received them from others, and you got the information just the same.

Mr. DENISON—I did not; all of them were written by myself.

The CORONER—But you have had verbal communications.

Mr. DENISON—No communication has been made to me, excepting what I collected myself below stairs.

Mr. HARMER—I beg leave to say, that I consider it no crime to have received information from any one, and if it had been the fact, I should not have hesitated to acknowledge it. Even you, Sir, have received notes and suggestions from others.

The CORONER—I have only had the names of witnesses handed to me.

Mr. HARMER—I beg your pardon; I saw you receive notes from this gentleman on my left, who is attending on behalf of the magistrates,* and you immediately put a question, as if it had contained some suggestion.

The CORONER—Well, we must adjourn.

Mr. HARMER—I will thank you, Sir, to have James Richardson called on his summons.

The CORONER—You are aware that we can proceed no further to-night?

Mr. HARMER—Yes, Sir; but I wish to have him called, merely to see if he is in attendance, as Mr. Denison has been informed he intended to resist your summons; my object is, if he be not in attendance, to apply to you for a peremptory summons for him; as also for one William Whalmby, who asserts that he will not attend.

The CORONER—Let James Richardson be called.

[The witness was called but did not answer.]

Mr. HARMER—I wish Mr. Denison to be sworn. [Mr. Denison was sworn accordingly.]

Mr. DENISON—I served a summons on James Richardson, requiring his attendance here, and I have been told by his wife that he could not come. I also served William Whalmby, and he told me he would not attend.

ADJOURNED TILL WEDNESDAY, THE 29TH INSTANT, AT NINE O'CLOCK.

* Alluding to Mr. COOKE, the attorney.

Fifth Day.

AT THE SIGN OF THE DUKE OF YORK, OLDHAM,

WEDNESDAY, SEPTEMBER 29, 1819.

At a quarter past nine o'clock this morning, the CORONER entered the Court, and called over the names of the Jury, who severally answered, and the proceedings were resumed.

The CORONER—I see we have got an additional number of reporters—(*looking towards the Gentlemen connected with the Public Journals.*) Are James Edwards and Simeon Shaw here?

Mr. HARMER—They are not in the room, because they are summoned to attend as witnesses, but they will be produced presently.

Mr. FINNERTY—I wish to know, Mr. Ferrand, if your interdict against the publication of the proceedings be removed?

The CORONER—How can you suppose it? How can you ask such a question?

Mr. FINNERTY—Because although my notes have not been published, your order has been violated by the *Times*.

The CORONER—I am aware of that, and I shall institute criminal proceedings against them, and all others, who violate my order.

Mr. FINNERTY—I beg to assure you, Sir, that I am innocent of doing so, and that I intend to obey your injunctions.

The CORONER—Be quiet, Mr. Finnerty, I want none of your interruptions or assurances.—Mr. Harmer, you have alluded to a person who took evidence for the Magistrates, and handed notes to me, as you said. Do you see that person here to-day?

Mr. HARMER—No, Sir, he is not present. The gentleman to whom I alluded wore powder, and sat in that situation (*pointing out the spot*).

The CORONER—That person was only taking notes with a pencil for his own information.

Mr. HARMER—I can venture, Sir, to state from my own observation, that he took notes very fully; and, as it appeared to me, he was taking all the evidence at full length.

The CORONER—What he wrote to me was of a private nature.

Mr. HARMER—I can only say, Sir, that I saw him hand a note to you, upon which you asked a question. I found no fault, nor did

I mean to insinuate, that any thing was improper, but merely mentioned the circumstance in consequence of your remarking that persons made suggestions to me.

The CORONER—I won't be found fault with. I am surprised, Mr. Harmer, you should say that *notes* were handed to me; only one note was received by me, and that originated from the conduct of your witness, Mr. Norris.

Mr. HARMER—You are mistaken in the name of the witness.—You mean Mr. William Norris Buckley, nephew to the magistrate, Mr. Norris. I beg to say, Sir, that I did not complain of the notes being handed to you; but, in consequence of your remarks to me, I stated what I saw done by a person, who, I had been told, was employed by the magistrates. I then pointed him out, challenged him with being so employed, and he did not contradict me. You replied, that the note contained only names of witnesses. Whereupon I reminded you, that you founded a question upon it, and *you* admitted that you did so.

The CORONER—You said *notes*. It was only *one*.

Mr. HARMER—It might be so. It was certainly only one that particularly caught my attention.

The CORONER (*addressing himself to Mr. Ross*)—I believe you report for the *Times*.

Mr. Ross—I do, Sir.

The CORONER—You have heard what has passed, but you give no explanation. Did you send your notes to London?

Mr. Ross—I certainly did, Sir; but I, at the same time, sent your observations; leaving it to the discretion of those in London by whom I am employed, to publish or act as they thought fit.

The CORONER—Why did you send your notes, when you knew it was against my injunctions that they should be published?

Mr. Ross—I considered it my duty to do so.

The CORONER—A very improper duty.

Mr. Ross—Sir, I have always done it, and I venture to say, that every gentleman from London, in my situation, has, in this instance, done the same. I beg to observe, Mr. Coroner, that I was engaged in a similar duty at Derby, when the Special Commission was held there for the trial of Brandreth and others, for high treason. The publication of the evidence was then prohibited by the Court; yet no prohibition was given against transmitting the reports to London, and I know that they were regularly transmitted every day. When a discussion afterwards took place, in consequence of a partial publication, the Chief Baron, who presided, neither prohibited the transmission of the reports, nor censured the act of sending them.

The CORONER—That was quite a different case, for this is a petty Inquest; that was a great public trial.

Mr. Ross—I certainly do not mean that the cases are exactly similar. I state the circumstance only to shew, that the transmission of the evidence to those who exercise their own judgment

in publishing, is no violation of a prohibition which merely extends to publication.

The CORONER—Let us pursue this conversation no further : but, let me observe, Mr. Harmer, that you appear to me to be associated, in some manner, with the persons who sent this report to town.

Mr. HARMER—Your suspicions, Sir, are unfounded. I have nothing to do with the Reporters. I have my own clerks, whom you see taking notes for my private use, and no one has access to them but myself. But, when you are talking of associates, Sir, were I so inclined, I could say with whom some one in this room associates. But I do not choose to retaliate, though attacked personally upon that subject, unless I am challenged to the exposition.

The CORONER—I have a right to associate with whom I please, and to receive information from all I choose to see or converse with.

Mr. HARMER—Undoubtedly you have, Sir, and so have I also. But we should endeavour to obtain our information from disinterested sources.

The CORONER—Notes have gone, that is certain ; and you must know it is extremely wrong, that publicity should thus be given to the proceedings, as it is not an open Court.

Mr. HARMER—I respectfully differ in that opinion. This Court, Sir, allow me to say, is an open Court : its proceedings, therefore, cannot be kept secret. You must be aware, Sir, that, formerly, Inquests of this kind were, and very properly too, held in the open air, in order that there might be no secrecy in an investigation respecting the death of one of the King's subjects.

The CORONER—I have nothing more to say ; but if, Sir, I knew that *you* had sent notes, I would restrain you from taking them. It has been suggested to me, that a person should be placed in the room with your witnesses. Where are they ?

Mr. HARMER—Mr. Denison will shew the room ; but, Sir, I again disclaim them as *my* witnesses ; they are those of the public. If this course is to be pursued, all other witnesses will be placed in similar custody : (*after a pause*)—upon reflection, Sir, I do not think I ought to sanction or consent to any such arrangement. There are many reputable gentlemen attending here to give evidence, who may not like to be placed in charge of a constable, nor indeed should I myself, if I were in their situation.

The CORONER—It is not intended to place them under custody ; but merely to see that those who are examined, may not afterwards communicate with the others. Who do you call first ?

Mr. HARMER—Simeon Shaw, Sir.

SIMEON SHAW called in, and examined by the CORONER.

Q. What are you, Sir ?

A. I am a printer, of Manchester. My residence is in Old Field Road, Salford.

*Q. Is that your work? (pointing out an article in the Morning Chronicle, of the 16th of September, to the witness).**

A. Yes.

Q. Do you know David Wilson?

A. I do not.

Q. Nor William Ashton?

A. I believe I do; and, on recollection, I think I know David Wilson slightly.

The CORONER—Mr. Harmer, have you any evidence to the same effect as this man's?—I think him a partial witness.

Mr. HARMER—I am not acquainted with his evidence: he came here with me this morning in the coach, and in our way, he has been stating what he saw; but as my attention was occupied at the time in reading the cases which I now have with me, to cite to you, if necessary, I have only a very imperfect idea of the facts he narrated to me.

The Witness was now sworn, and further examined by the CORONER.

Q. Did you attend the first sitting of the Inquest at the Duke of York, in this town?

A. I did.

Q. Did you attend the second, on Friday?

A. Yes.

Q. Were you attending here in this room on Saturday last?

A. Yes; but I left the Court when the witnesses were ordered to withdraw.

Q. Did you come in again?

A. Yes; but only to bring in a sandwich to Mr. Harmer.

Q. With whom did you come from Manchester to-day?

A. I came with Mr. Harmer and Mr. Denison, Mr. Finnerty and Mr. Robinson.

Q. Will you tell us what you know respecting the death of John Lees?

A. Am I to state what I know respecting the meeting?

Q. I ask you what you know about John Lees?

A. I did not know him. I saw his body on the day after his death, about half an hour after the Jury had seen it.

Q. What induced you to see him?

A. My motive was curiosity: I did not go to make any particular observation.

The CORONER (*to Mr. Harmer*)—What is this witness to prove; is he to state what he saw at the meeting?

Mr. HARMER—I believe the evidence he is to give, is upon that subject.

Examination of the Witness resumed by the CORONER.

Q. Were you at the meeting, Mr. Shaw, on the 16th of August?

A. Yes.

* This was a certificate of the witness, that the account, as inserted in the *Chronicle*, of what passed with Mr. BATTYE, on the first day of the Inquest, was correct.

Q. How long were you there before Mr. HUNT arrived?

A. About ten minutes after I left the Market-place.

The CORONER—(*addressing a gentleman who was writing in the audience part of the Court*)—Are you a Reporter?

The REPORTER—I am, Sir.

The CORONER—For what paper?

The REPORTER—You will see by whom I am employed (*handing in a slip of paper*).

The CORONER—Do you promise not to publish the proceedings while they are pending?

The REPORTER—I do.

Examination of the Witness resumed by the CORONER.

Q. What did you see in the Market-place?

A. I saw a great number of people, perhaps ten thousand, passing along, with banners.

Q. Where did these people come from?

A. I believe from Royton, Saddleworth, and other places.

Q. What time was this?

A. About a quarter before one o'clock.

Q. Did you notice the inscriptions on the banners?

A. Not particularly; I saw some.

Q. After you had seen this, what then?

A. I went to my business, and returned, on hearing that Mr. HUNT was passing. I saw him in an open carriage.

Q. You saw Mr. HUNT, also, pass through the Market-place?

A. Yes.

Q. Was there any female about the carriage?

A. Yes; there was one on the box with the flag.

Q. Were there no other persons; no other women?

A. There were four persons besides Mr. HUNT in the carriage; but no other female beside the one I have mentioned.

Q. How long was it after the first body passed, before Mr. HUNT came?

A. Perhaps half an hour.

Q. How many accompanied Mr. HUNT?

A. I conceive about fifteen thousand persons.

Q. Go on.

A. I then went to St. Peter's-field, and saw several gentlemen, and heard them making remarks on the numbers assembled.

Q. Whereabouts were you?

A. I stood near the Quakers' Meeting-house.

Q. What time did Mr. HUNT come?

A. About a quarter past one o'clock he mounted the hustings, and soon afterwards commenced speaking.

Q. Where were you then?

A. Near the house where the Magistrates were looking from. Then I saw an instantaneous movement of the people towards Windmill-street; their attention appeared directed to Dickenson-street.

Q. They were opposite to you, were they ?

A. I stood opposite to the Windmill public-house.

Q. Were there any buildings between you and the people ?

A. No, Sir ; I stood on a line with Booth-street.

Q. I ask you, Sir, did any street intervene between Windmill-hill and Booth-street ; between you and the ground. Surely you can tell that ?

Mr. HARMER—(to the Coroner)—Allow me, Sir, to hand a plan of the ground to the witness ; it will probably assist him in explaining his situation to you and the Jury.

[The Plan was handed in, and the Witness pointed out where he stood.]

The examination of the Witness resumed by the CORONER.

Q. You say you observed the attention of the people on Windmill-hill directed to Dickenson-street. Do you know what attracted their attention ?

A. No, I did not, then ; but, as I afterwards found, the 88th regiment were forming into line there ; I supposed that to have been the reason of their movement.

Q. What then ?

A. I ran towards Dickenson-street, and got behind the infantry. They formed themselves into a crescent, and I was prevented from passing either way.

Q. You could not get away that moment, I suppose ; but surely you were not kept there ?

A. I could not get away by any exertion ; they prevented any one passing.

Q. Was part of the 88th near Cooper-street ?

A. Yes ; about twenty yards from it.

Q. Was there any thing in front to prevent people from passing ?

A. The military had formed into a crescent, so as to prevent people passing down Dickenson-street.

Q. I ask you was there not an opening between Dickenson-street and St. Peter's church ?

A. Yes, Sir.

Q. Then what was to prevent you going that way ?

A. I was so hemmed in behind the 88th, that I could not avail myself of that opening.

Q. Was there any obstruction lower down, near the Quakers' Meeting ?

A. No, Sir ; but I told you I was so situated that I could neither get one way nor the other.

Q. Well, what did you see while you were there ?

A. I then saw the Manchester Cavalry gallop by Cooper-street, past the end of Cooper-street.

Q. Are you certain they galloped ?

A. I don't know the difference between galloping and trotting ; but they went very fast.

Q. Do you mean to say you cannot tell whether a horse trots or gallops?

A. Yes; I never rode a horse fifty miles in all my life; but I know they came at a very great pace.

Q. Which way did they go?

A. They proceeded towards Mr. Buxton's house.

Q. Could you see the house?

A. No; I could only see the pile of buildings; I don't know Mr. Buxton's house particularly; and a part of the cottage intervened, to intercept my sight.

Q. Go on.

A. In about a minute I heard a shout from the multitude assembled below, in front of the Cavalry; and in about a minute afterwards the Cavalry shouted and waved their swords in the air; presently after they had brandished their swords and shouted, I discerned the Cavalry galloping or riding into the multitude, and raised so much dust that I could not see so as to distinguish what followed.

Q. You have not told us what Cavalry they were?

A. They had white facings: they were the Manchester Yeomanry Cavalry.

Q. Did you see any other Cavalry?

A. No; Sir.

Q. Did you see any other Cavalry before the Manchester Yeomanry went upon the ground?

A. No; Sir.

Q. Then you are *certain* these were the Manchester Yeomanry?

A. Yes; I am positive.

Q. What number were there?

A. I cannot say.

Q. Tell me their numbers as near as you can?

A. I have no idea. I made no calculation. I was merely a spectator.

Q. Did they come on all at once?

A. Yes; Sir.

Q. Did you see any second party?

A. No, Sir, not before they charged from the front of Mr. Buxton's house; afterwards I saw another body of Cavalry form nearly on the same ground the Yeomanry had left.

Q. What became of these?

A. They also rode off among the multitude, but not so quick as the first.

Q. Were they Manchester Cavalry?

A. I don't think they were; they had quite a different dress.

Q. What became of them?

A. They also were hid by the dust after they went among the crowd. I then saw another body of Cavalry arrive on the ground with two field pieces with them; they were quite differently drest. The people were now running in all directions, pursued by the soldiers; some were running up Mount-street towards Brazen-nose-

street. I saw some people, men, women, and boys, running to get to that end of Dickenson-street, near the Quakers' meeting. A soldier came suddenly riding along Dickenson-street, to that corner near the Quakers' Meeting-house.

Q. What soldier? one of the Yeomanry Cavalry?

A. Yes, Sir; and in his impetuosity he threw his horse down at the corner of the street.

Q. How did he throw it down?

A. I think the horse made a false step by catching his foot against the curb stone.

Q. Do you know who that soldier was?

A. I heard him called Thomas Barnes.

Q. Did you know him?

A. I did not, in his regimentals.

Q. What became of him afterwards?

A. At the moment he was unhorsed Col. M'Gregor gave the word to the 88th to charge bayonets to protect him.

Q. What was the reason of that movement? was the man attacked?

A. I saw some people running by; and I heard one person say, "Thomas Barnes is thrown down and killed, and it serves him right."

Q. Did you know that person?

A. No, Sir.

Q. How far were you from the place where he fell?

A. About thirty yards.

Q. What was between you and Barnes?

A. The Infantry formed a crescent, and I was behind them, so that they were between me and Barnes.

Q. Why did Colonel M'Gregor order his men to charge?

A. To protect the man who had fallen, because the people were exasperated, and brick bats were thrown, I suppose. I also heard Colonel M'Gregor tell his men to forbear; and not to mind the people but to attend to him. This was in consequence, I suppose, of abusive language being used by the people because they could not pass.

Q. Was Colonel M'Gregor nearer Barnes than you?

A. Yes.

Q. Was the street full of people between Barnes and you when he fell?

A. No; there were none between Barnes and the Infantry, when he fell; but people were running that way.

Q. How many persons were running that way?

A. Perhaps forty or fifty.

Q. Well, Sir?

A. I heard an exclamation from the people, and Colonel M'Gregor ordered his men, the 88th, to charge bayonets, and they immediately surrounded the young man.

Q. Did you proceed nearer to Barnes?

A. No, Sir; the military resumed their first position directly afterwards.

Q. What became of the young man?

A. I do not know; but I believe he got upon his horse again afterwards.

Q. What was next?

A. While I remained behind the 88th, I saw Mr. John Hulme, a young man of Mosley-street, carried by on a shutter by four persons, and in about ten minutes after I saw a coach go to the ground. It returned in a short time with some persons in it, whom, I heard, were injured.

Q. Which way did the coach return from the ground?

A. Along Cooper-street.

Q. What next did you see?

A. I did not see any thing further. I went with the 88th off the ground.

Q. Where did you go with them, and what time did you leave?

A. It was between two and three o'clock when the 88th passed by Brazennose-street to their Barracks; the 31st were on the top of Brazennose-street, and one of their officers asked one of the officers of the 88th "whether the enemy were discomfited?" The answer was "their own townsmen have done it."

Q. Is this all you know of the meeting?

A. Yes; it is all I know.

Q. Now tell me how the people that you saw pass, were armed?

A. I saw some with sticks. I only noticed one who had got one shouldered; they were all common walking sticks.

Q. Had they chiefly sticks?

A. Many of them had sticks.

Q. Did you not see that many on the ground had sticks larger than walking sticks?

A. No, Sir; none had sticks thicker than common walking sticks.

Q. Were you very near the hustings?

A. Never nearer than the corner of the Quakers' Meeting-house.

Q. Was the ground where you stood covered with people?

A. No; there were a few; perhaps three or four in a group here and there.

Q. Was it nearly vacant?

A. Yes, Sir; the people appeared to be moving towards the hustings, leaving the ground near where I stood nearly vacant, which I suppose was about eighty or a hundred yards from the hustings.

Q. Were the people at the distance of twelve yards from you?

A. There was a space of twenty yards from me towards the hustings, which was only thinly strewed.

Q. And from there you went into Dickenson-street?

A. Yes; while Mr. Hunt was speaking, I went near to Dickenson-street.

Q. Could you see the hustings then?

A. I had barely a view of them; the corner of the Quakers' school intervened.

Q. How far from the hustings were you?

A. About two hundred yards; and I remained there until the meeting dispersed, and all was over.

Q. What brought the soldier, Barnes, into Dickenson-street, judging from what you saw ?

A. He was riding to intercept the people coming into Dickenson-street, at the corner, from Bootle-street end.

Q. Did you see any stones or brick-bats thrown at the soldiers ?

A. I believe some were thrown at the man who fell from his horse at the time Colonel M'Gregor ordered his men to charge bayonets ; but I did not see any thrown.

Q. Then what makes you believe so ?

A. I heard some of the soldiers say so when they returned into line ; I have no other reason.

Q. Was it when he was on horseback ?

A. No ; he fell down ; and the people who were running, I believe, caught hold of, and flung what they could at him ; but I did not see it.

Q. Was the charge before Barnes fell ?

A. No, Sir ; they only charged when he fell ; they ran to protect him after he was down.

Q. Were their bayonets fixed ?

A. Yes.

Q. Did Col. M'Gregor order the men to advance when Barnes fell, or before ?

A. When he fell, Sir.

Q. You said, when the man fell, *you saw* stones thrown ?

A. No, Sir ; I never saw stones thrown. I heard the soldiers say the people had thrown stones, or were about to do it.

Q. At whom were they throwing stones ?

A. I suppose at the man who was unhorsed. I saw no other object for their vengeance.

Q. Did you see any stick cast ?

A. No, Sir ; I saw a boy running, afterwards, with a parcel of sticks under his arm, which one of the soldiers of the 88th took away.

Q. Which way was the boy running ?

A. Towards Dickenson-street.

Q. Do you know the boy ?

A. No, I do not.

Q. You saw the man fall from his horse at that time ; did any thing strike him or his horse ?

A. No, Sir ; my opinion is, it was his own impetuosity, in going against the curb stone.

Q. He was a Cavalry man, you say ; what was his name ?

A. They said his name was Thomas Barnes.

Q. Did you go to him as near as you could get ?

A. I did not ; I considered there was danger, and therefore did not move. Indeed, I could not get away. I was surrounded, and could not get either way.

Q. Did you discover whether he was hurt or not, either then or afterwards ?

A. I did not.

Q. Have you seen him since?

A. Frequently; his warehouse is near my brother's shop.

Q. Was that the only man on horseback in Dickenson-street?

A. No; there were several others following Barnes; three or four were pursuing a lad in a fustian jacket, who they said had knocked one of their men from his horse.

Q. Were these Yeomanry?

A. I cannot say.

Q. Did they take him there?

A. I did not see them take him; but he appeared in custody.

Q. Did you see any of these soldiers cut any one?

A. No, Sir.

Q. How soon after you saw the Cavalry charge into the mob, was it, that you saw the man unhorsed?

A. About ten minutes.

Q. Before the Cavalry rode into the crowd, did you hear any thing read or said by a magistrate, about the Riot Act?

A. I heard no Riot Act read, or even mentioned.

Q. Did you hear any person direct the crowd to disperse?

A. No, Sir.

Q. Nor speak to them at all?

A. I did not, Sir.

Q. Did you not see one person go alone into the crowd, before the Yeomanry Cavalry?

A. I saw a man after the Yeomanry Cavalry had shouted, on a piebald horse, and in light coloured clothes, ride into the crowd; he rode a few yards before them.

Q. You saw a person in a white dress, you say, ride into the crowd before the Yeomanry?

Mr. HARMER—And on a piebald horse, Mr. Coroner.

The CORONER—He did not say so, Mr. Harmer.

Mr. HARMER—Oh! yes, he did; you may not have taken it down, but he said it distinctly.

The CORONER—He did at a former period; and I have taken it down; but he has not said it now.

Mr. HARMER—He certainly said it, Sir, in the very last sentence.

The CORONER—I took it down when he did say it.

Mr. HARMER—If so, Sir, I am satisfied; but perhaps it will be more satisfactory if you read over his last answer.

The CORONER—It is very wrong in you, Mr. Harmer, to suggest evidence to a witness who prevaricates in this way.

Mr. HARMER—Suggest evidence, Mr. Coroner! I am surprised at such an accusation. I have not suggested, nor have I observed any thing like prevarication in the witness.

The WITNESS—(to the Jury)—Gentlemen of the Jury, 'appeal to you, am I to be charged with prevarication? I desire to explain my evidence.

The CORONER—Sit down, Sir, or leave the room.

The WITNESS—Surely, Sir, you will not interrupt me in explaining and justifying myself.

The CORONER—I do not wish to interrupt you, Sir.

The WITNESS—I think, Sir, there is very obvious proofs of it.

The CORONER—Sit down, and be quiet, Sir, and do not amuse yourself with attending to others.

Mr. HARMER—The witness will, of course, have an opportunity of hearing his deposition read, and if any thing is omitted, he may insert and correct it before he signs it.

The CORONER—The depositions shall be read over to all the witnesses before I sum up to the Jury, and they will sign them then.

Mr. HARMER—Surely, Sir, it cannot be your intention that all the witnesses are again to be brought to Oldham? At every Inquest that I have attended, the witnesses had their depositions read over immediately after their testimony was concluded, and signed by them then; and in this case it will save great expense by pursuing a similar case.

The CORONER—It is to save time. I think I have attended more inquests than you if I am not misinformed; and in London, I believe, they proceed as I do now.

Mr. HARMER—You are certainly mistaken as to the London practice; but surely the time taken up in reading and signing the depositions must be the same, whether it be done at first or last; therefore, no time can ultimately be saved, and the expense of the witnesses returning will be avoided, by reading them over as they each close their evidence. It is, besides, as I submit, more regular and convenient.

The CORONER—I know that if the depositions had been read to all the witnesses, and signed by them, we should not have got so fast forward.

Mr. HARMER—But, Sir, I wish to know how we shall be advanced to our final conclusion a moment earlier by your mode; for if, previous to the summing up, all the depositions are to be read over, the same time must necessarily be consumed, and we may probably be delayed in getting the witnesses again to attend.

The CORONER—Well, Sir, I shall follow my own course.

Q. (*to the Witness*)—Did the man in the white dress, and on the piebald horse, say any thing?

A. I did not hear him.

Q. Had he either book or paper in his hand?

A. I did not see either; he had a sword.

Q. What distance was he before the Yeomanry Cavalry?

A. A few yards; about twelve yards.

Q. What rate did he go at?

A. Very quick, Sir.

Q. Have any of the Jury a wish to put any question to this witness?

None of the Jury answered.

The Witness examined by Mr. HARMER.

Q. Do you mean to say that the situation of the 88th did not stop any outlet? Could the people pass up Dickenson-street?

A. No, Sir; no person could get up Dickenson-street.

Q. Does Dickenson-street lead to Cooper-street?

A. Yes, Sir.

Q. Did any people attempt to pass that way?

A. Yes; several tried to pass, but could not.

The CORONER—Could they not turn up Booth-street?

A. No, Sir.

Examination of the Witness resumed by Mr. HARMER.

Q. Were the people seeking every outlet, to escape from their assailants?

A. Yes, Sir.

Q. Was not the passage by Mount-street also stopped up, by the position of the military?

A. Yes, Sir.

Q. You say you heard the Cavalry shout. What do you mean by the word shout?

A. A loud noise; an huzza; and their swords glittered in the air as they waved them.

Q. Was this at the moment they rushed among the crowd?

A. Yes, Sir.

Q. Previous to that, did you see any Magistrate go into or as near the crowd as possible, and proclaim, with a loud voice, silence?

A. No, Sir.

Q. Did you see any one go into, or near the crowd and read any thing?

A. No, Sir.

The CORONER (*to Mr. Harmer*)—I consider these questions improper.

Mr. HARMER—I am putting them, Sir, as you must perceive, to ascertain whether the forms prescribed by the Riot Act were complied with, and I am pursuing as near as I can the very words of the Act.

Q. (*to the Witness*)—Did the people assemble in a riotous manner?

A. No, Sir.

Q. Did you see any disposition to riot when they were assembled?

A. No, Sir; I was surrounded by gentlemen who had a great stake in the place, and they appeared under no alarm.

Q. Did that feeling appear general, that there was no occasion for alarm?

A. Yes.

Q. Did you see any constables with staffs ?

A. I left with the 88th, and saw no constable on the ground.

Q. How far were you from the house where the magistrates were ?

A. About one hundred yards.

Q. Were the people crowding together there ?

A. There were a great number towards Windmill-hill ; but I did not know the magistrates were there.

Q. Did I understand you to say that you did not see any stones thrown ?

A. No ; I only conjectured, from what I heard from the soldiers, that stones had been thrown.

Q. You ought to confine your evidence to what you saw, and not to give us your conjectures : but it shows, however, you are not the partial witness against the accused, which, in the outset, you were supposed to be, for in fact you make all your inferences in favour of the military. You are to state whether you yourself saw any stones thrown, without reference to what you heard from others ?

A. No.

Q. Did you observe what caused the people to attack the man who had fallen from his horse ?

A. He was riding at full speed to prevent the people getting from the field.

[*Mr. ASHWORTH, a Barrister, of Manchester, now entered the Court by the Coroner's door, and occupied a chair at his table. He was accompanied by Mr. COOKE, the Solicitor.*]

Mr. ASHWORTH (to the Coroner)—I understand, Sir, that a great number of witnesses have already been examined in the course of this Inquest. It is, therefore, of importance that I state, as soon as possible, the observations I intend to make. As my object is to shorten inquiry, the sooner I make those observations the better, and the more likely to promote public justice and save your time.

Mr. HARMER—**Mr. Coroner**, I protest against this interruption during the examination of a witness.

Mr. ASHWORTH (to the Coroner)—I consider you, alone, Mr. Coroner, to be the Judge of this Court. I address you, Sir, I know no other person here, nor will I descend to have any altercation, Sir, with any person. I am now only stating that I wish to address you, to save time ; and with that view, I now request to offer some observations to you, which, I hope, will have the effect of shortening the proceedings.

The CORONER—At present my opinion is, Mr. Ashworth, that as the examination of this witness is so near a close, it is better to finish it before any observations are made of that nature.

Mr. ASHWORTH—I bow with the utmost submission to your decision.

The CORONER (to the Witness)—Did Barnes fall at the corner of Dickenson-street ?

[Here the witness pointed to the place on the plan where Thomas Barnes fell.]

Q. Had any people passed at this time ?

A. No, Sir.

Q. At this time, were the soldiers between you and the man ?

A. Yes.

The CORONER—I have now done with this witness.

Mr. ASHWORTH (to the Coroner)—I am attending here, Sir, for the town of Manchester, and I have to request that the last witness's evidence may be read.

Mr. HARMER—May I be favored with your name, Sir ?

Mr. ASHWORTH—My name is ASHWORTH.

Mr. HARMER—May I be allowed to ask *who* employed you to appear here on behalf of the town of Manchester ; for I will venture to state that thousands of the inhabitants of that town will disown such employment.

Mr. ASHWORTH.—I hand a letter to the Coroner, which contains my authority. Mr. Coroner, it is you who are to be satisfied, and it is to you alone I shall address myself ; for I deprecate, and shall avoid any altercation with persons who are unknown to me.

[The letter was given to the Coroner, who read it.]

The CORONER—The letter is signed by Jonathan Andrew, who is one of the constables of Manchester, and is a sufficient authority for Mr. Ashworth's attendance ; but, Mr. Harmer, I have allowed you to interfere, and not asked for whom you appeared. Mr. Finerty has told us that he appears for the "*Morning Chronicle*." Mr. Ross says he is for "*The Times*," and I was led to understand that you appeared for the parents of the deceased ; but I have good reason to believe it is not the case.

Mr. HARMER—You are mistaken, Sir ; the parents of the deceased employed me to appear for them before the Inquest commenced, and although the parents have been examined, my employment has not been questioned.

The CORONER—Mr. Ashworth, I am now ready to attend to you.

Mr. ASHWORTH—Sir, I do not come here as the advocate of any party, nor shall I allow myself to enter into any party litigation. I come merely to perform my professional duty, and shall strictly confine myself to that duty.

In the first place, Sir, I wish to prevent *ex parte* evidence from getting abroad, or garbled and imperfect statements from being published, for the purpose of producing particular impressions on the minds of the people. I am anxious that this case shall be fully, fairly, and justly examined ; I want the public to know what is the truth of the case, and, in order that they may know the whole case, I should be glad that every particle of evidence, which is founded in truth, should be heard ; I should wish it generally known what the truth of the case is. But it is for you, Mr. Coroner, to say, whether, before you proceed further, some specific charge ought not to be made against some person, either by name or description. And there is one thing which I do

state, that you, Sir, have not conducted business so long and so ably without knowing, viz.: that a Coroner's Inquest is differently constituted from all other Courts, and that exculpatory evidence may be received here, as well as evidence in accusation.—This doctrine cannot be controverted, and I, Sir, have much evidence to lay before you; but it appears to me, that unless you think there is such evidence already given against some individual or individuals, as may afford a strong presumption of his or their guilt, the line of examination taken by the persons on the other side ought not to be pursued. If there be no charge of such a kind made out, why is your valuable time to be thus occupied, as well as that of the Jury and the public, and why is popular feeling to be excited and kept in a state of ferment? There must be, Sir, some evidence that shall affect a particular individual or individuals, before the legality and character of the meeting be discussed, or any further testimony received. If, Sir, that shall be done, circumstances may be possibly brought to show in exculpation, that the death is neither murder nor manslaughter, by my producing evidence of the nature and character of the meeting. But I call upon you, Sir, not to allow further proof of the legality of the meeting to be proceeded in; the point of who caused the death must be first established, and then it will be necessary to ascertain what are the facts which criminate the party charged. If it appear that malice prepense was attributable to some individual or individuals, then, and not till then, inquiry is applicable as to the character of the meeting. I say, then, that some specific charge should be made out before you determine to protract this inquiry to such an indefinite period as is at present in contemplation. Therefore, you must say, some person is charged with having done something to produce the death of the individual in question, otherwise this inquiry cannot be prosecuted. From what I understand, there has not been any specific evidence that any one gave a wound which was the cause of the death of Lees. Besides, there is evidence that the wound did not produce the death, but that it was produced by other causes. The gentleman who attended the deceased throughout his illness, has proved that the cut did not occasion his death, and that he could not say he died from external injuries. On that ground, therefore, this inquiry ought to terminate; but as no individual is directly accused, it is unnecessary to proceed thus, from day to day, without any prospect of ultimate benefit, or the advancement of justice.

I wish not, Sir, to agitate the public mind, and will not, therefore, enter into any controversy with any one; but, Sir, it must be evident, that there is an object in thus protracting this inquiry. It is evident that a party spirit is to be gratified, and a particular purpose answered. If, Sir, this spirit is to be satiated, let it not be gratified through you. It is evident, then, that an evil feeling must be excited, passions must be inflamed, society is kept in a state of ferment, and man must be set against man, if these proceedings are to continue. These passions and feel-

ings every good member of society will endeavour to allay, and therefore I trust that you will not allow yourself to become instrumental to those who seek to keep alive such dissensions. Are you aware, Sir, that in consequence of your permitting certain persons to be here, and deciding it to be an open Court——

The CORONER—I have not so decided.

Mr. ASHWORTH—I beg pardon, Sir, I had understood the contrary. Then, Sir, I will proceed with my observations. I mean not to use offensive language to any one; but, Sir, you must know that you have here supreme authority, and have the power to controul the conduct of every one present, and your injunctions must be obeyed. I admit that this is a public Court; but I insist that it is open only to those who are likely to give evidence, either for or against the accused—all who have any thing to say on the question must be heard. Still, however, it is as much under your controul as the Court at Nottingham* was under the direction and controul of the Judges. There, they said, “We prohibit publication, and shall deem it a contempt of the Court if the order be contemned—we will have no publication, whatever, of any thing that passes in this Court, till the whole of the trials are concluded.” Suppose any man is charged with a crime—before he can be convicted he must be heard: he ought not to be prejudged before the evidence is wholly concluded: and we must not suffer the public to prejudge this case, and say there is guilt before any one is charged specifically with doing some act by which his guilt can be presumed. Shall any man, charged with all the asperity of party feeling, be held up as an object of vengeance? No. The whole evidence shall come altogether, and then the public will have the materials they ought to have, to enable them to come to a fair and unbiassed conclusion. But this is only the beginning; and if you permit evidence to be received without a specific charge, every man’s mind will recoil at *ex-parte* evidence being received as legal testimony, and the individual not having an opportunity of exculpating himself. Do we not know how susceptible the human mind is of first impressions, and naturally prone to receive them as truths, so that no subsequent evidence can hereafter remove them? Whether an *ex-parte* statement of evidence be for or against me, I regard it with a feeling bordering on horror; it never can be productive of any thing like benefit, and I therefore call upon you to suppress any publication, *by a proper order*, until the whole of the evidence be adduced. I would advise you, in the exercise of your discretion, to issue out the order, whether it be broken or no. As an individual, I am careless what may be the opinion of the public, but it is unjust to send out an accusation against a person until he has been heard in his own defence. Have you not—I would appeal to any enlightened man—have you not full power, by different Acts of Parliament, to make such an order? By an Act of Philip and Mary, you are authorised to

* It is supposed the learned Counsel meant Derby.

hear both sides, and should take care that the wisdom of the legislature be not violated or offended ; and the power you possess should not be converted into an engine of injustice. I make these remarks to save the time of the public, and to impress upon you that ; until there be a case made out against some one, either described or named, this investigation, which tends to aggravate the public mind, should be suppressed ; if any such charge be made out, a full investigation of the meeting would be quite correct. I wish not to irritate those feelings which ought for ever to be put a stop to, but I am here with as much right as any individual. I espouse the part of those against whom it is understood that accusations are to be preferred. I have as much right to be here as in any Court of the kingdom. You have a right to ask me for whom I come, and I will then tell you. I appear regularly for persons against whom imputations are likely to be made. If any one suspect any thing may be alleged against him, he has a right to instruct counsel on his behalf. I am not like an *ignis fatuus*. I do not shelter myself behind some pretended authority, which afterwards disowns me and forces me to seek another (I do not say that others do), I only say that they ought to have a competent authority in writing, and in that case they have as much right to be present as yourself. But I much doubt whether any gentleman who is a stranger has a right to obtrude here and take upon himself the conduct of the business. There are many in this place and in this neighbourhood who are in the profession, and fully competent to the task, had an interference of such a kind been necessary ; and more especially will I affirm, Sir, that no person has a right to say, "I will have this case investigated in such a manner as I think right." You are, Sir, as high in this Court as any Judge in the land, and you are solely to judge of any plan of inquiry which may be submitted to you. You are possessed of the amplest power to determine whether this investigation shall be continued in the way it is now attempted to be done, perhaps for months ; perhaps for years ; I had almost said to eternity.

The gentleman has stated he might probably produce seventy witnesses, and these seventy may increase to seven hundred ; it therefore becomes necessary on your own account, and that of the public, unless you see your way clearly to the end of this investigation, which may take up so much time, that you say to those who are pressing it, "you must lay such evidence before me respecting some individual whom you mean to charge, as may fix the guilt upon him ; and unless you do so I shall not allow you to proceed. Call upon the gentleman, Sir, who has hitherto (whether rightly or not is another question) produced evidence without restraint, and say, "Have you any other evidence to fix the foul crime of murder or any other stain upon any particular person or persons to be named ? if not, you must not waste the time of the Court, the Jury, and the Public in general." And in order that you may not be imposed upon, it may be necessary for you to say to the

individuals who may be called as witnesses—"Have you any evidence to give that will implicate any particular individuals, and if you have, you must name them before I allow you to proceed." How many, Sir, are now neglecting their business and losing that time which ought to be devoted to providing for their families, in attending this inquest? Your time, also, is of some consequence; mine! that is nothing, for I am paid for it; no doubt I am; but although I am, I trust I shall not lend myself to do an unworthy thing. But the time of the public, of those around me (who are as anxious as if they had their lives at stake, and are on the tiptoe of expectation as to the result), is of importance. You are not aware, Sir, how many persons are now neglecting the ordinary occupations necessary for supporting their families. The time of the public must not be wasted; for by some fatal influence it is kept in such a ferment that the very lives of numbers are at stake through the neglect of obtaining subsistence for themselves and families. I insist, Mr. Coroner, that it very much imports you to determine whether or no you will suffer this investigation to go on in the way it has done, and is planned to go on, until some charge of guilt or concernment (no matter which) is brought home to some individual or individuals. Until that be done, you will not permit any person to give evidence respecting transactions which have no bearing on the death of the party. Assuredly, Sir, the evidence of the surgeon who attended him during his illness, is unequivocal, and his opinion is, that Lees' death was not occasioned by the wounds he received. His evidence furnishes more legitimate grounds for our disbelief, than the evidence of any person who saw him since his death.

Mr. HARMER (*to the Coroner*)—Is the learned counsel to be allowed to comment on the evidence?

The CORONER—Mr. Ashworth, I would rather you did not comment on the evidence.

Mr. ASHWORTH—I was only alluding to the testimony of persons not scientifically acquainted with medical inquiries. I call upon you again, Sir, to consider and determine, whether you, Sir, will not call for evidence which will enable you to ask the Jury, whether any individual or individuals described personally, if not named, did immediately occasion the unfortunate death of the deceased? His death is the only object of this inquisition.

Mr. HARMER—I rise, Sir, with great deference and diffidence to address you in reply to the long, elaborate, and eloquent oration of the learned gentleman, which, I cannot help thinking, is more remarkable for its prolixity and plausibility, than for its strength of reasoning or legal profundity.

The learned gentleman, on his introduction, stated, that he appeared before you as the advocate of the "TOWN OF MANCHESTER." This was, certainly, a very pompous and high sounding appointment; but, when called upon to shew his credential, we find it dwindling into the simple deputation of Mr. Andrew, one of the constables of Manchester. On extending the inquiry still

farther, the real secret is developed, and we find the learned gentleman is present here on behalf of the parties who are likely to be implicated in the alleged offence.

Mr. ASHWORTH—I only mentioned it hypothetically, that, even supposing I was sent here by the parties implicated, I have a right to be here.

Mr. HARMER (*continued*)—The learned gentleman set out by assuring you, that he was very anxious that this case should be *fully, fairly, and justly examined*; that he wished *all the evidence to be heard, that the public might be informed, and know the truth of the case in every particular*: and how does the learned gentleman evince his sincerity? Why, strange to say, by asking you to stop the investigation and stifle all inquiry. He tells you, that it is right to refuse further evidence until a charge be fully established against a certain individual or individuals, as having given the blow, or inflicted the injuries which caused the death of John Lees; and that before other testimony is received, this identity ought to be proved. Will the gentleman affirm that this is law? If he does, I ask him, will he write it down, and set his hand to it as his opinion? for then the public will be able to form an estimate of the learned gentleman's legal knowledge.

Mr. ASHWORTH—Do not let me be misrepresented. I required that the persons should be designated either by name or description.

Mr. HARMER—Neither you nor I, Sir, can know who, or how many, may be criminated by the evidence to be produced; but, I pledge myself, that before this Inquest be closed, I shall impugn many persons, not merely by description, but by name. It is not for you nor for me to anticipate the evidence; neither are we to judge of its effect. It is for the Jury, after hearing all the witnesses produced, to say to whom the evidence shall apply, and who shall be implicated in this foul murder. Does the gentleman mean to say, that only the hand of him who inflicted the fatal blow is stained with guilt? If he does, I venture to say, his assertion is contrary to all the text writers on the law of England.

(Mr. BATTYE, who was sitting immediately in front of Mr. Harmer, was laughing, apparently at this observation.) Mr. Battye, I will not be laughed down by you; your conduct is; no doubt, intended to divert my attention, but it will fail in its effect.

Mr. BATTYE—I did not laugh at you.

The CORONER—Never mind, Mr. Battye; you had better turn away: I see the motive for that observation.

Mr. BATTYE (*to Mr. Harmer*)—Well, if you do not like my face, I will turn my back. (*Mr. Battye here turned his chair round, and presented his back towards Mr. Harmer in a very indecent and insulting manner, which called forth a general expression of surprise and disgust.*)

The CORONER—Mr. Battye, you need not turn away from the table; you had better keep your face this way.

Mr. HARMER—This conduct is too gross to merit notice, or even contempt; the Jury and the audience have seen it, and their expression of disgust will, I should hope, prevent its repetition.

I beg leave, Mr. Coroner, to correct the learned gentleman's remarks upon the medical testimony. He states, that the evidence given, does not show that the death was produced by violence. This, I submit, is entirely a question for the Jury, who, to aid them in their decision, had a view of the body. Mr. Basnett distinctly stated, that cutting and maiming occasioned the death. The learned barrister has built parts of his argument upon false foundations: he has been misinformed as to an important fact. He tells you, that the surgeon *who attended the deceased throughout his illness*, and who was therefore able to give the best evidence on the subject, had proved that the cut did not occasion death, and that he could not say he died from injuries. The learned barrister, I presume, alluded to Mr. Cox; but he is mistaken as to the evidence given by that medical gentleman, and also as to the deceased having been under his care; for, so far from Mr. Cox having attended the deceased throughout his illness, he never once saw him during his life, and even after his death, he saw his body much later than Mr. Basnett.

The CORONER—Mr. Harmer, these are observations on the evidence, and I cannot allow them to proceed.

Mr. HARMER—I admit that they are; but as the learned gentleman who opposes me was allowed to proceed on these points without interruption, and in the course of his observations misrepresented the evidence, I am surely entitled to reply and set the matter right.

Mr. ASHWORTH—I mentioned no names in the course of my observations.

Mr. HARMER—No, Sir; but no one who heard you, and had also heard the evidence, could mistake as to whom your allusions pointed.

Mr. ASHWORTH—My principal argument was not applied to the consequences, but as to who gave the blow. I meant to say, that unless it was first proved who inflicted the blow, it was unnecessary to proceed.

The CORONER—I am of opinion that the question now in discussion may be limited to a very narrow compass, and I shall be glad if you will confine your observations to one point, which has been urged by Mr. Ashworth, which is, whether the persons who struck John Lees can be identified. If their persons cannot be identified or described, it is useless to take the evidence; there must be some malicious motive and some act proved to have been done by somebody before we proceed further.

Mr. ASHWORTH—I am much obliged to you, Sir, for stating so clearly and precisely the object I have in view.

Mr. HARMER (*to the Coroner*)—I consider it quite preposterous to suppose that evidence can be offered of malicious motives. We cannot search into the minds of men. We must judge of their intentions from their actions. Already has evidence been given to prove the violent and cruel act done, and much more is forthcoming. If one man or a body of men attack and destroy

another, the law presumes malice ; it is *prima facie* murder, and if there are any circumstances to reduce it to manslaughter or justifiable homicide, the *onus* lies on the accused to prove them.

The CORONER—We had better hear what evidence is to be offered.

Mr. HARMER—I had other topics to offer in answer to the speech of the learned gentleman ; but I do not wish, merely for the sake of making an address, to occupy your time ; and shall therefore abstain from saying any thing more, taking it for granted, that you are with me in my view of the subject.

The CORONER—No ; indeed, I am not.

Mr. HARMER—Then, Sir, I will proceed with the few other observations I have to make. The gentleman has alluded to the time which must be consumed in this investigation, if you allow it to proceed, and has taken upon himself to call it “ a waste of time.” Surely, Sir, no time can be considered wasted or mispent which is employed in this interesting, important, and momentous inquiry, and in seeking to bring to justice the authors of this horrible business. The learned gentleman talks of your time being valuable ; I do not dispute it ; but, however valuable it may be, you are bound in this case to devote it to the public. Your clerk, Mr. Battye, some time ago, informed me that you once had an inquest which lasted five weeks :—was the subject of inquiry comparable in magnitude and atrocity to this ? I think I may venture to say it was not—that it could not be.

The learned gentleman has told you that he is entitled to call exculpatory evidence ; I concede to his proposition ; let every witness who can speak in exculpation be called. I challenge—I court him to produce them. There were numerous special constables and police officers close to the house where the magistrates were assembled, and if the Riot Act was read, calm means taken to disperse the meeting, and the military were attacked, how easily can these things be established. If such were facts, there could be no difficulty in proving them. I deny that they are so, and defy my antagonist to prove the affirmative.

A great deal has been said respecting the publication of the evidence. Whether it be right or wrong, is a question in which my case is not involved ; and therefore I do not feel myself called on to offer arguments or observations in justification of the measure. The gentlemen who are concerned for the press are capable of defending themselves without my feeble aid. But I cannot help saying, that in my humble opinion it would be more conducive to the ends of justice, and that far more satisfactory information would be conveyed to the public, if the reporters were allowed to take down fully what passes, and publish it daily, than that the mixed audience which are here assembled should each go hence and give publicity to his own imperfect and confused account, made up from recollection, and tinctured with mistaken impressions and party bias. The former mode would give the public a correct statement, on which they might with propriety exercise their reason and

judgment; the latter would only mislead and perplex them, and make them form false and erroneous opinions.

The learned gentleman has thrown out some insinuations as to the character in which my friend Mr. Denison and myself appear: who appointed us, and the manner in which we conduct the case. Our employment has not been disputed; we have no fear of our motives being scrutinized; and I can assure the learned gentleman, he entertains a mistaken notion of them; they are as pure as his can be, and we, equally with himself, deprecate the excitement of party feeling in this investigation. He says we wish to conduct the business on our own plan, and not to be guided by your rules and judgment: we disdain any such wish; our earnest desire is to obtain strict and impartial justice, and we wish to pursue such plan only, as is most likely to conduce to that end.

It does not occur to me that there are any other points in the learned gentleman's speech necessary for me to answer; and with your permission, I shall proceed to call witnesses who will, as I understand, prove that many persons belonging to the Manchester Yeomanry Cavalry rode furiously, sword in hand, into a peaceable and an unarmed assembly of people; that they cut down and rode over them without mercy or distinction; and as the death of this youth, and indeed of many others, resulted from this wanton attack, I hold it to be clear law, that, not only the hand that gave the blow, or the individual who inflicted the injuries is guilty of murder; but I say that all who were acting with him, are equally culpable; they are, in law, all principals, because present, aiding and abetting in the act.

The CORONER—(*to Mr. Harmer*)—I think it would be saving time to produce what witnesses you have to prove who inflicted violence on John Lees.

Mr. HARMER—I am about, Sir, to call witnesses who will, as I understand, implicate many of the Manchester Yeomanry. It would be invidious and unjust in me to mention names, that must be done by the witnesses themselves; and after they are named, the Jury will have to determine whether the evidence inculcates them or not.

The CORONER—You must tell me whom the witnesses will speak to; for when I asked you to identify the person who struck John Lees, you went into evidence of the character of the meeting; I gave no opinion respecting the cause of the death of John Lees; but I am not satisfied that the persons who inflicted any blows on him are identified; and I believe the Jury are not. Therefore, before I shall allow you to go into any evidence respecting the constitution of the meeting, I call for the identity of the person or persons who used violence upon John Lees.

Mr. HARMER—I am not aware that I can identify the particular individual who inflicted the wound on the deceased, but it is not for me to anticipate the evidence that the witnesses can give, because it can only be known to themselves, and can only be communicated by them to you and the Jury, under the solemn obligation of their oaths.

The CORONER—Respecting the publication of the evidence, I did, on Saturday, make an order to prohibit it, and the propriety of such a prohibition is proved by the precedents at Derby, and the determination of the Judges, in *The King v. Fleet*,* respecting the Inquest at Brighton.

Mr. ASHWORTH—And the Judges adopted the same course at York.

The CORONER—I wish to prevent *ex-parte* publication; because I think it is injurious to the course of justice, and (*addressing himself to Mr. Ashworth*) I wish for your opinion, whether I have the authority to prevent notes being taken?

Mr. ASHWORTH—I pledge myself that you have that authority; it is not merely my own opinion, but also that of several legal friends. If you have allowed notes to be taken, and prohibited their publication, but afterwards find your licence abused, you have the power to stop further notes from being taken.

The CORONER—I find that, in consequence of my allowing notes to be taken, in direct contravention of my orders, the evidence is published. Here (*producing a Courier Newspaper*) we find the whole proceedings copied from the *Times*. There seems to be question and answer, which could only be obtained by taking notes. There is Mr. Ross, who takes notes for the *Times*. I don't know what he can have to say for himself.

Mr. ROSS—Are not the reports correct, Sir?

The CORONER—I don't know whether they are or not.

Mr. ROSS—I have only performed my duty by transmitting my notes; and, I beg to say, I at the same time gave my employers notice of your injunction, which is precisely what I did at Derby, and left the publication entirely to their discretion.

The CORONER—Their discretion!

Mr. ROSS—Yes, Sir; I mean by that, that I offered no observation or remark of my own respecting the publication, having considered it my duty to transmit a full account of all that passed.

The CORONER—It was your intention, Sir, that they should be published, or you would not have sent them: and you must take no more notes, nor any other person, for the *Times*.

Mr. ROSS—I most solemnly disclaim having entertained or exercised any intention upon the subject. I have not disobeyed your injunction—you interdicted the *publication*, but did not prohibit the *transmission* of notes; if you had, I should most certainly have not sent them. I acted from no disrespectful feeling towards you: and now, if you order that the proceedings shall not be transmitted, I pledge myself I will not send another line of evidence.

Mr. ASHWORTH—That will do; if you pass your word and conform to it.

Mr. ROSS—All that has been done up to this morning has been sent, and will, of course, be published; but, if you order it, I will send no more: or, I can pledge myself that my employers in Lon-

* 1st Barn. & Ald. Rep. 379.

don shall not publish a line more of it, if you will permit me to take notes, as hitherto.

The CORONER—You did intend to publish, and showed great haste; for you sent the proceedings of Saturday by express to London.

Mr. ROSS—I did not send them by express.

The CORONER—How can you say so? How were they sent?

Mr. ROSS—By the mail.

The CORONER—That is impossible.

Mr. ROSS—I can prove it, Sir, to your satisfaction.

The CORONER—Do you mean the Manchester mail?

Mr. ROSS—No, Sir, I mean the Liverpool mail.

The CORONER—How did you get them sent to the Liverpool mail?

Mr. ROSS—A Gentleman who was with me on Saturday, carried them with him, and met the mail at Knutsford.

Mr. ASHWORTH—That was Tyas.

Mr. ROSS—It was not, Sir.

Mr. ASHWORTH—Who was it then?

Mr. ROSS—It was Mr. Evans.

Mr. ASHWORTH—Mr. Evans, did you say?

Mr. ROSS—Yes, Sir.

Mr. FINNERTY—I have complied with your order, Sir, and in the delinquency of others, the *Morning Chronicle* has had no part, and therefore I hope you will allow me to continue taking notes.

Mr. ASHWORTH (*to the Coroner*)—You cannot rely upon those in London not publishing again, who have published, in contempt of your order.

The CORONER—No, I cannot.

Mr. ASHWORTH—And, therefore, Sir, I hope you will restrain any person from publishing any part of the evidence until after the termination of the Inquest.

The CORONER—I do so. Mr. Ross, you have acted most improperly, and in violation of my order. Why should you have sent any notes, and by an earlier conveyance than any in Manchester, but that the evidence might be published? What right had you to send any notes after my injunction?—You are prohibited from taking any more notes.

Mr. ROSS—Sir, I hope you will allow me to take notes?

The CORONER—No, Sir; you are not to speak any more.

Mr. ROSS—You have asked me questions; am I not allowed to answer them?

The CORONER—I asked you no questions.

Mr. ROSS—You asked me why I should have sent any notes unless with a view to publication. In answer to which, I beg to say, that the whole arrangement was made before Saturday, and I actually took a place for Mr. Evans in the mail on Friday. It was no resolution adopted after your order was given. It was merely acting up to instructions previously received. I repeat, that I considered it my duty to act as I did. I had done the same

at Derby, and the Lord Chief Baron expressed no disapprobation. I venture to say, too, that every person here from London for the same purpose, has done as I did. We all did so at Derby.

The CORONER—Why should you send them, since they were not to be published?

Mr. ROSS—In order to enable every necessary preparation to be made for immediate publication, whenever it should be thought proper. If I did not send them, the other papers could have the evidence in greater readiness for publication, and thus I should be chargeable for neglect of duty.

The CORONER—Is there not plenty of time between this and *March*?* when we see the evidence appear in print in twelve hours, do you think we are all idiots?

Mr. ROSS—But I pledge myself, if you require it, that no more of the evidence shall be sent.

The CORONER—How can you be trusted, after having acted as you have done?

Mr. ROSS—I have not violated a promise, and I now offer my solemn promise.

The CORONER—Your word is not to be believed (*Addressing Mr. Harmer.*)

We have had a number of persons to prove the nature of the meeting, and it is unnecessary to go further into it; and I decide that the evidence on the death of John Lees, or touching the manner of it, shall be alone brought forward; but before we proceed further, let me ask you, Mr. Harmer, in what character you are here, or by whom employed?

Mr. HARMER—By the relations and friends of the deceased. His mother-in-law, whom I saw soon after his death, said, she wished me to attend and endeavour to bring the authors of her son's death to justice; and I therefore consider myself as attending under her authority.

The CORONER—On what day did she apply to you?

Mr. HARMER—It was when I went to see the body, that she solicited my assistance, which was immediately before the Jury went with Mr. Battye to take their view. I now call upon Mr. Ashworth to state by whom he is employed, and to produce his authority.

Mr. ASHWORTH—The Coroner already has my authority, and is satisfied with it.

The CORONER—You have already been told, Mr. Harmer, that Mr. Ashworth is attending on behalf of the town of Manchester.

Mr. HARMER—I wish his deputation to be read; I have a curiosity to know what sort of a document it is.

The CORONER—It is not necessary for me to read it, you have been told that it is signed by Jonathan Andrew. Can we proceed to the kind of evidence I have pointed out?

* The Coroner is supposed to have alluded to the time when the Spring Assizes are held.

Mr. HARMER—I have the names of many witnesses, who are in attendance; but I will not presume to state the nature of their evidence; indeed, as to several, I am ignorant of the precise facts they are to speak to, and it would be illiberal and unjust were I to mention to you and the Jury, what the witnesses, whom I have interrogated, have told me, when they were not under the sanction of an oath.

The CORONER—Mr. Ross, I see you are still taking notes.

Mr. ROSS—Yes, Sir; I hoped that, on reflection, you had rescinded the prohibition, especially as I see gentlemen for other journals are allowed to take notes.

The CORONER—No, Sir; I expressly prohibit you.

Mr. ROSS—May I request to have that prohibition in writing? I wish to have some document which I can show in my own justification for not fulfilling the duty I am sent here to perform.

The CORONER—I don't know what justification you can have, I shall write nothing.

Mr. ROSS—Your committal even would be an evidence of your refusal.

The CORONER—I shall not attend to you, Sir; and I desire you to be quiet, or I shall order you to be sent out of the room.

Mr. ASHWORTH—(to the Coroner)—May I beg you to read the evidence of the last witness.

[*The Coroner read the evidence of Simeon Shaw.*]

SIMEON SHAW cross-examined by Mr. ASHWORTH.

Q. Where were you, when you first saw the body of people?

A. I was in the market-place.

Q. From whence did they come?

A. From Saddleworth and Royton.

Q. Did you see any from Middleton?

A. I can't say I did; I do not believe any of them were from Middleton.

Q. In what manner did they come?

A. They were formed into files of five or six.

Q. Did they march in regular line?

A. No; I thought the contrary; very irregularly.

Q. Did they not march like soldiers?

A. No; if soldiers marched in that stile, I think it would be the first time.

Q. What distance is Saddleworth from Manchester?

A. I don't know.

Q. Does Saddleworth constitute any part of Manchester?

A. I don't know that it does; indeed I feel confident that it does not.

Q. Does it form part of Salford?

A. No; nor of Salford either.

Q. Does Royton belong to the town of Manchester?

A. I don't know.

Q. You don't know whether Royton forms a part of the town of Manchester?

A. No ; I don't. If you had asked me what I believe, I should have given a direct negative ; but you ask me what *I know* on the subject ; now, for all *I know*, it may form part of the municipality of the town of Manchester ; I suppose you mean that, when you speak of town ; I wish, however, not to give any direct answer to these questions ; I have not made them my study.

Q. Does Oldham belong to the town of Manchester?

A. I believe Oldham is a township of itself.

Q. How long have you lived in Manchester?

A. I was born and educated in Salford.

Q. Have you not heard then, that Manchester and Royton were distinct townships?

A. I never heard any thing about the matter.

Q. What ! lived all your life in Salford, and never heard that Royton was a distinct township from Manchester?

A. I beg pardon ; I have not lived always there ; I lived in Salford till I was sixteen, when I left, and have lived there again for the last thirteen months.

Q. How many standards had this body of fifteen thousand ?

A. I cannot tell.

Q. Were there five?

A. I will not, on my oath, say, for I do not know.

Q. Will you swear there were not five?

A. I cannot swear it.

Q. Will you swear there were not ten, nor twenty?

A. I intreat your indulgence ; I cannot swear how many there were.

Q. Will you swear there were not forty?

A. I cannot.

Q. You cannot, perhaps, say there were not an hundred : had you your senses about you?

A. I had.

Q. Did you use those senses for purposes of observation?

A. Yes, Sir.

Q. Then, are the Gentlemen of the Jury to understand that you can say there were people standing in fives or sixes, and that you cannot swear there were not ten, fifty, or an hundred standards?

A. The standards were not all in my view at one time.

Q. Did you see any black flag there?

A. I did, Sir.

Q. Did you not consider that, from its being black, it had a portentous nature?

A. It occurred to me, as having a very uncommon appearance.

Q. Do you recollect any inscription upon it?

A. I am not certain as to the precise words ; but I do believe the words " Liberty or Death" were on it.

Q. I wish to remind you : do you not think there were " Equal Representation or Death ?"

A. I only saw one side, and cannot say.

Q. Do you know the colour of any other flag ?

A. I remember one with a figure on it.

Q. What was it ?

A. I had not a sufficient view of it to describe.

Q. How long before Mr. Hunt came was it that this body of fifteen thousand passed ?

A. About half-an-hour.

Q. Did not another body come ?

A. I returned to my work, and cannot tell.

Q. Then you did not see them ?

A. No ; I returned to my printing-office, and did not see any others.

Q. I think you said, Mr. Hunt was accompanied by twenty-thousand ?

A. By my mode of calculating, I thought there were about that number.

Q. Was he accompanied by any flags ?

A. There was a female, on the front of the carriage, carrying a flag.

Q. Did you see what was on that flag ?

A. I do not remember.

Q. Do you mean to swear that was the only flag that accompanied Mr. Hunt and that body ?

A. No, Sir, I believe I saw two more.

Q. Was the one the lady carried, and those two, the only three you saw ?

A. I looked at the people ; that was the object of my curiosity ; and I do not know whether there were more or not.

Q. How many Caps of Liberty did you see with the fifteen thousand ?

A. I cannot swear.

Q. Cannot you say whether there were twenty or not ?

A. I believe there were not twenty.

Q. Were there ten, think you ?

A. I believe there were not ten.

Q. Peradventure five. Were there five to be found ?

A. I did not count, and cannot swear to any number.

Q. How many were there with Mr. Hunt ?

A. I do not know.

Q. Did you see any thing that struck you as important with the body with which Mr. Hunt came ?

A. I do not remember.

Q. Was there no noise ?

A. Yes, Sir ; such clapping of hands as I never heard, nor ever expect to hear again in Manchester.

Q. Was that all the noise you heard ?

A. No, Sir; they had shouted three times three before.

Q. Did you follow the first body to the ground?

A. No, Sir; I went to my office, and there heard a buzzing that Mr. Hunt was coming, and I went to see him arrive.

Q. Then you went to the station you occupied till the Meeting was dispersed?

A. Yes, Sir.

Q. After your first passing Mr. Hunt, how long was it to your going to the ground? We are not nice to minutes.

A. About half-an-hour.

Q. As I understand you, you said that there were but few persons where you stood?

A. I wish not to be misunderstood or confused by such questions, and will explain what I meant by few persons.

Q. No, never mind. Can you say what was going on at the hustings while you were at the distance you describe?

A. No, Sir; I saw the people standing quiet.

Q. I suppose you had a view of the whole body?

A. Surely so, and the people stood apparently quiet.

Q. Did you see the Yeomanry go up to the hustings?

A. I saw them proceed towards the hustings.

Q. Will you explain? You said they stood some time on the ground; how long was it?

A. Two or three minutes.

Q. In Mount-street?

A. From my situation I cannot say it was precisely Mount-street; they came from Cooper-street, and took their position, previous to action, in front of the house where the Magistrates were.

Q. Did they proceed towards the house where the Magistrates were?

A. I did not know where the Magistrates were.

Q. Can you tell me did they move in columns?

A. Tell me what you mean by column?

Q. How did they move?

A. A man, on a piebald horse, in white clothing, went six or twelve yards before, and the others followed in succession.

Q. Did there appear to be any impediment?

A. Yes, Sir; about half a minute, when they were riding among the people, and then they proceeded on.

Q. How far had they got before the impediment occurred?

A. But a short distance.

Q. Were they among the people when it occurred?

A. Yes, Sir.

Q. Had stones occasioned that impediment? had they been thrown, do you think you could have seen them?

A. I do not think I could, Sir.

Q. Was there a movement, slower or quicker, after the impediment?

A. I believe it was quicker.

Q. During the whole of the time, before the soldiers came to the quarter where you stood, could you see what was passing?

A. I could not, for the dust.

Q. Then what might occasion any mischief before the Cavalry gentlemen came up to you, you cannot tell?

A. Certainly not.

Q. If I understand you, the soldiers ran to surround the man that fell?

A. Yes; they charged with fixed bayonets.

Q. What do you mean by the word charge?

A. I must refer to my former explanation. They surrounded the man who fell, with their bayonets fixed.

Q. Do you always mean the word charge in this sense?

A. Certainly. When an author, in the first instance, uses a word in a particular sense, he must be considered as using it in the same sense even through five hundred volumes.

Q. Of all things I hate a reasoning metaphysical witness.

You say that the opening at the end of Dickenson-street was closed up when he fell?

A. It was, Sir.

Q. You say the soldiers did not let any person pass that way?

A. Yes, Sir.

Q. Permit me to ask, if I understand you rightly, did you say that at the time the young man fell, the people used abusive language, and the Colonel said to the men, never mind them, attend to me?

A. He did, Sir.

Q. At the time you heard the soldiers say that stones had been thrown, had they returned to their positions?

A. They had, Sir; but I did not see stones thrown. I only heard them say so.

Q. As far as you saw, did the 88th do more than was necessary to keep themselves as a compact body?

A. Nothing, except moving to protect the young man.

The CORONER (*to Mr. Harmer*)—I wish to know if you have any witnesses to the identity of persons engaged in the affray? Because, if not, we are only wasting time.

Mr. HARMER—There are witnesses forthcoming to that point.—The first I propose is Mr. Robinson, a most respectable gentleman, perfectly well known in Manchester; and, no doubt, to several of the persons at your table.

Mr. JOHN ROBINSON, of Manchester, merchant, called in, and examined by
Mr. ASHWORTH.

Q. Have you subscribed any sum of money towards defraying the expences of this prosecution?

A. No, I have not.

Q. Have you not assisted in promoting it?

A. No, Sir.

The Witness sworn, and examined by the CORONER.

Q. Will you say what you know of the death of John Lees?

A. I went to the Manchester Meeting on the 16th of August, and had remained on the ground about five or ten minutes, when I was joined by a friend or two.

Q. At what time was this?

A. At about a quarter past one o'clock.

Q. What part of the ground were you at?

A. I was within five or ten yards of the house which I have known by the name of Cooper's Cottage, and remained there for a quarter of an hour. When Mr. Hunt came, he went immediately to the hustings, and I was presently surprised at seeing the Manchester Cavalry coming at the speed they did to the ground. They came at such a rate, that I had great difficulty in getting out of their way, and had almost fallen in the effort to save myself from being rode over. After they had passed me, I turned my eyes towards Peter-street, and saw two men lying on the ground, about ten or fifteen yards from me, and who were then in the act of getting up. The Cavalry halted a short distance from me, in front of the houses in one of which the Magistrates were. After they had been drawn up a minute or two they brandished their swords in the air, and gave three shouts; at the expiration of which, they made off towards the hustings at full speed. I looked very attentively, and seeing many people on the ground, who had been thrown down by the Cavalry, I was much shocked. On looking towards the hustings I saw the horsemen cutting on every side: I then retired, for I had seen quite enough to strike me with horror. My feelings were such that I could stop no longer; and I retired to a friend's house in Mosely-street, a back window of which presented a view of a part of the ground. I looked from thence, but could discern nothing but confusion. I remained at the window from ten to twenty minutes, during which time I saw nothing but soldiers galloping after men, women, and boys, in every direction. In the dispersion of the people the Cavalry appeared violent in the extreme.

Q. What became of the people?

A. Some were flying from them down Lloyd-street, Cooper-street, and towards St. Peter's Church; after that I came and walked down Lloyd-street, behind the Quakers' School-room, to my house, in Quay-street.

Examined by Mr. ASHWORTH.

Q. You did not know John Lees?

A. No, Sir.

Q. Can you identify any one of the Cavalry?

A. Yes, Sir; I can identify Reid, who keeps the Globe Tavern, near Garthside-street, as one of the Yeomanry present: there were others whom I know, but not by name.

Q. Where did you see Reid?

A. He went into the crowd with those who made the charge. There is one thing I forgot to mention, that is, I saw one of the

leaders in front of the Yeomanry, I think it was the trumpeter ; before the charge ; he assumed a very menacing attitude, and I thought it very strange.

Q. What do you mean by a menacing attitude ?

A. Brandishing his sword.

Re-examined by the CORONER.

Q. Did you see Reid do any thing to any body ?

A. No, Sir, except going in with the rest.

Q. I mean strike or injure any one ?

A. No, Sir.

Q. Do you know how many of the people, who were on the ground, were injured ?

A. No, Sir.

Q. Do you know if they had any wounds upon them ? or where they were injured ?

A. No, Sir, I do not.

Q. In the situation in which you were, how near were you to Mr. Buxton's house ?

A. Within about twenty or thirty yards.

Q. Before the soldiers went into the crowd, did you see any Magistrates ?

A. No, Sir.

Q. Nor hear any one exhorting the people to disperse ?

A. I heard none speak but Mr. Hunt.

Q. Did you hear any thing of the Riot Act being read ?

A. No, Sir.

Q. Before the Yeomanry Cavalry brandished their swords, were any shouts or huzzas raised by any persons besides the Cavalry ?

A. No, Sir ; I cannot call to mind that there were.

Q. Or after the Cavalry shouted ?

A. No, Sir ; not that I remember.

Q. Who commanded the Cavalry ranged in front of Mr. Buxton's house ?

A. I cannot say.

Q. Did the Cavalry halt upon their way, or proceed immediately to their station ?

A. They went immediately to their position, where they formed, and from thence to the hustings ; and when I saw them cutting at those who had the poles of the banners, I went away immediately.

Q. How did they go ? in line or files ?

A. Two or three abreast.

Q. They did not halt on their way, you say ?

A. Not that I perceived, but they appeared confused.

Q. Where did they become confused ?

A. About half way towards the hustings.

Q. What do you suppose occasioned that confusion ?

A. The impression on my mind was, that some of the men had more humanity than others, and pulled up their horses in consequence.

Q. Did it appear to you that any obstruction was offered by the people, from stones being thrown, or sticks used?

A. No, Sir; there was no opposition that I saw.

Q. You say you left immediately after they began to strike at the poles of the banners?

A. Yes; directly I saw the sabres strike at the people who held the banners, I went away.

Q. Do you know any of the soldiers who struck at the banners?

A. No, Sir; they were Yeomanry, but I cannot identify them.

Q. You say you saw persons lying on the ground, do you know whether they were wounded or bleeding?

A. I do not; I cannot say they were bleeding, as I was at too great a distance.

Q. Did you see any stones or brick bats thrown at any one?

A. No, Sir; none were thrown while I was there.

Q. Did you know John Lees?

A. No, Sir; I did not know him.

Q. How far were the people, who were laying on the ground, from you?

A. About forty yards, as near as I can speak.

Q. Did you ever say you knew John Lees, or could prove his being hurt?

A. No, Sir.

The CORONER—Then I don't know what brought you here; you ought not to have been produced, and the gentlemen who called you must know that.

Mr. HARMER—By this gentleman's evidence, one of the Yeomanry, named Reid, has been identified as being on the field, and I understood you to say that you would receive evidence on that point; but I consider the witness carries the case still further, by showing, that Reid was one of the Yeomanry, who went in the violent manner he has described to the hustings, and caused the people to be thrown down. I would first wish to ask Mr. Robinson, whether the people were struck down on the ground by the Yeomanry?

A. There was nothing else to cause it, and I verily believe they were injured by the Cavalry.

The CORONER—I do not think the evidence of this witness applies to the case.

Mr. HARMER.—I did not think, Sir, there would be any necessity for me to repeat the law. I now say distinctly, that all persons present, aiding and abetting in the attack, are equally criminal—equally liable to the consequences which resulted from their intruding themselves into this peaceable meeting; they all, by an act of unjustifiable violence, caused the death of the deceased; and every one may be charged with it, the same as the individual, who actually inflicted the injuries which occasioned that death.

Mr. ASHWORTH.—I dispute this doctrine; and I could quote numerous authorities in support of my argument, but I will not fill your already crowded Court with law books. One case, however, I will cite, and this case completely establishes the position I have

taken. It is the case of Demaree and Purchase, 9th Queen Anne. Demaree was indicted and convicted of high treason, by reason of being concerned in the destroying of meeting houses, which was adjudged to be levying of war against the Queen. Purchase was indicted for aiding, abetting and comforting the other in the treason; and upon the trial a special verdict, setting forth the facts, was found by the direction of the court. The judges decided against the prisoner; but three of those judges dissented from that decision. You will, however, find, upon a reference to the case, that there were many persons present who did not do any act, but were merely present, and no act being proved against them, it was determined, that to incur guilt, a person must do the act, or must be present aiding and assisting, and those who were present, without assisting, were held guiltless; and it is an undisputed doctrine, that where a principal is not identified, the accessory cannot be convicted.

The same line of argument was adopted by Mr. Raincock, at Lancaster, in defending several individuals from Middleton, upon whose trial the Judge, in summing up to the Jury, observed, that they who were merely present, and looking on, were not guilty. If I were even to admit, that the meeting was lawful, I still cannot admit that all who were active in the dispersing of it, are guilty of the murder of the deceased, because some one individual, nobody knows who, inflicted injuries which caused death.

The law I lay down is this, that, in the present instance, some person or persons must be identified by name or description, as having inflicted the injuries which caused the death of John Lees, or aiding and abetting those who so inflicted the injuries.

I say, the law lays it down, that in all these kind of cases, the party must be accused, either of doing the act, or of aiding and abetting; but to accuse a person of aiding and abetting, there must be a principal, and unless the principal be identified, you cannot fix a person as an accessory. With this case, the evidence (I am speaking of Mr. Robinson's testimony) can have nothing to do. It would apply to any investigation, as well as to this in which you are engaged. You must require that some person or persons be identified, as having done the act which caused the death. This, Sir, is the law, and I call upon you, as the Judge of this Court, to stop the course which is pursued with such pertinacity by the gentlemen opposite. That course goes to involve in guilt so many, as to leave us in the dark where it will stop. Every one present, and not immediately connected with the persons forming the meeting, might be involved in guilt. Such might be the case with regard to myself, for I was present; although, if it were an illegal meeting, I own I had no business there, and ought to have been absent.

I must again urge you, Sir, not to permit such evidence to be again brought before you. The whole which has been already given of the same kind, is irrelevant: and, I again say, it behoves the gentlemen, who seem so anxious to accuse, first to prove who struck the blow, before they can be suffered to give evidence of

any particular persons having been active in the mere dispersing of the meeting. I am warranted in this doctrine by the case which I have before named, of Demaree and Purchase, and there are abundant other cases to confirm it, if it were necessary. The witness has mentioned the name of one of the Yeomanry Cavalry, and others are sought to be named. Really, Sir, it makes my very blood curdle, when I contemplate the mischief that is likely to follow from such a course of proceeding. Only consider, Sir, the idea of a person being thus held up to the indignation of the populace, and thus marked out for vengeance. This can be for no good purpose; it is a mere wanton attack from first to last, the motive of which cannot be disguised. It cannot fail to agitate the feeble mind, and keep alive animosities at a time when it is desirable that every thing connected with the late events should be buried in oblivion, and all effervescence subside. There is another object in view—to set one class against another, and thus to answer some particular party purposes. I hope, Sir, that you will not countenance such conduct by receiving this evidence, nor any that does not charge some person, by name or description, with inflicting wounds or bruises on the deceased. At all events, malice against the deceased must be shewn to exist, on the part of those whom, I understand, are to be accused, and for whom I attend here to-day. The legal account of the death must be from those who saw and can identify the person giving the blow; and God forbid that, without such evidence, any man should have his life, or his reputation, placed in jeopardy. Why, Sir, are you to be made the medium of setting man against man? And why are you to be called on to hear testimony only to assist motives which cannot be misunderstood? and when you see evidence produced which is not applying to the fact, what other object can it have, other than to irritate party feeling? I trust, Sir, that, as Judge of this Court, you will not receive any further evidence, unless it appears to you that it is to the purpose I have mentioned; for none other can conduce to the ends of justice.

Mr. HARMER—I have heard, with astonishment and surprise, the learned counsel's oration, for argument I cannot call it. I took the liberty, Sir, at the commencement of this discussion, to state, that in my view of the law on this subject, every person who took an active part in the violent dispersion of the meeting of the 16th, was answerable for the consequences, and as death ensued, they were, in the eye of the law, all guilty of murder; and I assure you, Sir, that nothing urged by the learned counsel has tended to alter my opinion, or remove my position. Mr. Robinson has proved to you, that the person he named, was one of those who followed the man he described as galloping into the crowd, flourishing his sword in a menacing manner. Must not Reid, and all those who followed that man so galloping into a crowd, be convinced his object was to commit violence of a deadly nature? and if so, I venture to assert, that if death was occasioned by any

one, they were all, in point of law, guilty of murder, although it cannot be ascertained by which individual the death blows were given. I say they were all principals, because they were present, aiding and abetting in the general design ; and if this were not so, what a strange anomaly would be presented, namely, that if one individual slew another, he should be convicted of murder ; but that, if several persons confederated and contrived their plan so dexterously as although they were all assisting, still the hand of the actual assassin could not be distinguished, they should all escape ? This surely would be a doctrine contrary to common sense and common justice ; but yet, if I understand the learned gentleman's argument, he would contend that this is the law of England. For the credit and honour, however, of British jurisprudence, I will contend that this is not the law of the country.

I agree, Sir, with the learned counsel, that I must either prove who actually inflicted the blows, or who were present aiding and abetting ; but I deny that I am precluded from doing the latter until I have done the former. Had we been discussing the doctrine of principal and accessory, the arguments you have just heard, might have some weight ; and the learned gentleman very dexterously endeavours to delude you by wishing you to consider this as a question of principal and accessory. If it were so, I should yield to his doctrine, for every man possessing the least knowledge of the criminal law, must know, that in felony, there cannot be an accessory without a principal felon. But, Sir, I mean to contend, that in the case now in the course of investigation, there is no accessory ; I charge the whole as principals, not only the person who inflicted the wound, if he can be discovered, but all who accompanied him when the act was committed. The person who gave the blow, is a principal in the *first degree*, and they who were with him are principals also, but in the *second degree*.

It is attributed to us, that we are so cruel and unjust as to accuse all the Cavalry, whether they took an active part or not, nay, even if they were passive spectators. God forbid I should attempt any thing of the kind : but I mean to say, that whoever used his sword, or spurred on his horse to occasion the injury or death of any individual in that meeting, lawful, peaceable, and quiet, as it was, are as much guilty of the murder of this youth, as the person who struck the fatal blow ; because, it will be recollected, that the attack and dispersion of the meeting was one continued act, in which the whole of the Yeomanry body joined, and the deceased received his injuries in the onset.

When the gentleman asserts, that no individual is implicated in the death of the unfortunate subject of this inquiry, unless he had actually committed violence upon him, does he, I will again ask, make that assertion as law ? Will he give such an opinion in writing ? Can he produce a single authority to that effect ? I have a better opinion of the learned gentleman's talent and discretion, to suppose he will. I consider it as the mere assertion of the advocate, and not of the lawyer. He has, indeed, quoted one soli-

tary case: I think he says it is the King against Demaree and Purchase,* but I wish he had favoured me with a sight of the report; I wish he had produced the case itself. It is one of which I have not at present a recollection, but if the learned counsel will produce it, I pledge myself that it will be found not to bear him out in his argument. The law, as laid down by the learned counsel, is, as I said before, at variance with that of every text writer, and, indeed, with common sense; and if he has authorities to support him, I challenge him to produce them. He is living in the neighbourhood, and has, no doubt, a good library of his own, besides access to all others in Manchester, and yet, he does not produce a single book. What is the palpable inference?—Why, that he cannot find one to answer his purpose.

Mr. ASHWORTH—It is not to be expected I should carry a travelling library with me.

Mr. HARMER (*in continuation*)—The learned gentleman says, he is not to carry his library with him. Still, Sir, in a matter of such moment, the learned counsel ought, I think, if any such cases did exist, to produce them, in support of what he lays down as law. I have not such facilities as the learned gentleman; still, however, with a little industry and assistance, I have been able to collect a few authorities, which, with your permission, I will now proceed to read.

It is laid down by Hawkins, that, “to justify homicide there must be some unavoidable necessity.” Where was there here any necessity? Were not all the persons against whom the warrant was issued apprehended without resistance; and if they, the principle persons at this meeting, were thus taken into custody, what reason is there to doubt that any of the mere auditors might have

* These defendants were severally indicted for that they, with a multitude of people, to the number of 500, armed, &c. did traitorously levy war, &c. During the trial of Dr. Sacheverell, in 1709, the rabble followed him from Westminster to his lodgings, and after remaining there a short time, there was a cry of “*down with the Presbyterians:*” presently, a person unknown, proposed to pull down the meeting-houses, and the cry became general, “*down with the meeting-houses,*” and they went away, led on by Demaree, and destroyed a meeting-house belonging to a Mr. Burgess, and then agreed to go and destroy the rest of the meeting-houses. Hearing that the military were coming to intercept them, they separated into different bodies, each of which were to attack and destroy particular meeting-houses that night. Demaree went with one party to Drury Lane, and demolished a meeting-house, and while the materials were burning, Purchase first appeared: he came up very drunk, and with a drawn sword, encouraged the rabble, and incited them to resist the guards, who just then came up. All the Judges present at the trial, agreed that Demaree was clearly guilty, and he was convicted, but there was a diversity as to Purchase, because there was no evidence that he was present at the original rising, or was present at any of the outrages of that night, or had any concern in them, except his behaviour at the bonfire, and therefore, as to him, a special verdict was taken. On consideration, all the Judges, with the exception of three, held that Purchase was guilty, because what he did, was in defence of persons engaged in the very act of rebellion. *For whoever joins deliberately in the execution of ANY UNLAWFUL ACT, must abide the consequences at his peril.* Vide East’s Pleas of the Crown, vol. i. p. 75.

been dispersed by the civil power, or secured if necessary? In Mackally's case it was decided by all the judges, after two days argument, that where the death blow was given by one in the presence of others, that it was the blow of all. Mr. Justice Blackstone says :* "A man may be principal in an offence in two degrees. A principal in the first degree, is he that is the actor or absolute perpetrator of the crime ; and in the second degree, he who is present aiding and abetting the fact to be done, which presence need not always be an actual immediate standing by, within sight, or hearing of the fact ; but there may be also a constructive presence, as when one commits a robbery or murder, and another keeps watch or guard at some convenient distance."

Thus, as I said before, in the present instance, they who inflicted the wounds are principals in the first degree, and they who by their presence or otherwise assisted therein, are principals in the second degree. This witness has identified one person as being present, and it is for the Jury to decide upon this evidence.

The learned gentleman, in the course of his address, told you, "*that it made his blood curdle to hear the names of individuals of a particular body mentioned, connected with the transaction of the 16th of August.*" We have also heard from himself, that he was on the ground, and I know from other sources, that he witnessed the horrible proceedings of that fatal day ; I therefore ask him, *did his blood curdle THEN ?* If not, I give him little credit for his sympathetic feelings.

The Learned Gentleman has addressed you very pathetically, on the bad effects likely to result from the names of the yeomen being mentioned. He says, it is keeping alive animosities, and setting one man against another, when, he thinks, every thing ought to be forgotten, and past events sunk in oblivion. These observations come with an ill grace, from the advocate of those who, a few days ago, attacked and destroyed their unarmed and unoffending brethren ; but, I doubt not the Learned Gentleman, nevertheless, speaks truly the wishes of his clients ; those who have been guilty of enormities which must entail odium on them while recollection lasts, may well desire a general oblivion. Those who have committed great crimes may well seek to escape retributive justice. But is it to be expected that the poor people, who were the object of vengeance, or the relations of those who suffered premature death, can so soon forget their injuries?—or that the insulted laws are to sleep on the occasion, and permit the offenders to escape with impunity ? I cannot believe that the Learned Gentleman is speaking his own sentiments ; it surely is not possible, that his sensibility is of such a nature that it sympathizes only with the criminal and is indifferent to the victims of criminality. Such generosity, let me tell him, as would recommend oblivion to oppression, and refuse relief to the oppressed, is irreconcilable with justice, is inconsistent with universal humanity, and is particularly repugnant to British law.

* 4 Black. Com. 34.

The Learned Gentleman has often repeated his former insinuations, respecting the motives by which I am actuated, and I can only answer as I did before, by asserting that I have no party feeling to gratify ; that I am conducting the case without any view to political purposes ; and that my motives are as unimpeachable as his own, however pure they may be.

With respect to my ability in conducting the evidence, I must speak with more diffidence. I am in an entirely new, and to me, trying situation ; I feel that I have an awful responsibility cast upon me, and a task to which I am certainly very incompetent. Unaccustomed to speak in public, and filling an humble situation in my profession, I confess myself unequal to the contest with an expert and experienced Barrister. I am not, however, of a temper or disposition to be subdued by slanderous insinuations ; conscious of my own integrity, I shall always repel them with contempt. And as to my being compelled to alter my course of proceeding, I beg to say, I could not do so without being guilty of an abandonment and dereliction of duty. I feel, as I think every other man would, when advocating such a cause, that no consideration ought to induce me to depart from that line of conduct, which I consider morally and legally correct. I shall, therefore, follow the course I have already pursued, in doing all in my power to bring the truth to light, and detect, if possible, the authors and perpetrators of this cruel tragedy.

The Learned Gentleman has alluded to the justification he might offer for dispersing the meeting, on the ground of its being illegal. As the character of the meeting will be a question for the consideration of the Jury, and them only, I wish to abstain from observing upon it, but before I sit down I would make this remark, that the conduct of the civil and military power demonstrates, that *destruction* and not *dispersion* was the object ; and to show that the meeting was not illegal, I could not have a stronger instance than the admission of my learned adversary, who says, that he himself was present among the people.

MR. ASHWORTH (*to Mr. Harmer*)—I was there, it is true, and if the meeting was illegal, I was certainly there improperly ; but still I was only there from curiosity.

MR. HARMER (*to Mr. Ashworth*)—And such, Sir, was the case with many who were maimed and murdered.

THE CORONER—Mr. Harmer, I do not think Mr. Robinson's evidence applicable ; he has not gone to prove that the person he named was aiding and abetting in the death of John Lees. He does not prove that the man rode over the persons. I wish to have some one produced, who will prove the identity of the person of the deceased, and of those by whom he was injured.

MR. HARMER—With great deference, Sir, I still insist that his evidence strongly applies to the case. It has been already shown, that the deceased was cut by the Yeomanry, when they arrived at the hustings, and Mr. Robinson identifies one of those Yeomanry who went up to the hustings ; and if it were necessary

(which I contend it is not) to show who gave the cut, Mr. Robinson's evidence is sufficient to go to the Jury even on that point.

The CORONER—I am not satisfied that John Lees was cut by the Manchester Cavalry.

Mr. HARMER—That is a question for the Jury. It is they who are to be satisfied on that head.

The CORONER—Well; we had better proceed. Will you ask this witness any further question?

The Witness examined by Mr. HARMER.

Q. Did you see the different bodies of people arrive in the town before you went to the field?

A. I did not. I saw none till I was on the field. I was engaged in business until half-past twelve o'clock.

Q. How long were you on the ground altogether?

A. About half an hour.

Q. Were you there when the Yeomanry Cavalry came in?

A. I was.

Q. Was there any riot or tumult on the part of the people, previous to that time?

A. Not any.

Q. Was there any indication or disposition to riot manifested by the people?

A. Not the least.

Q. Did you see any Magistrate or any other person exhort the people to quit the field; or give them the slightest notice to disperse, before the Cavalry charged?

A. No, I did not.

Cross-examined by Mr. ASHWORTH.

Q. Did you see any banners on the field?

A. Yes.

Q. How many?

A. I can't say. I did not count them.

Q. Did you see a black flag near the hustings?

A. I saw a dark coloured one. I did not know it was black. I could not swear it was.

Q. Was there any inscription that you can recollect on that flag?

A. I cannot speak as to inscriptions.

Q. How many caps of liberty were there?

A. I cannot say how many. I saw some red things on poles, but did not know what they called them.

Q. Were there ten?

A. I should think not so many; but I can't swear as to the number, as I did not count them; and I wish to speak only as to what I know.

Q. How long were you on the ground before the Cavalry came?

A. About thirty or forty minutes.

Q. How many persons had then assembled?

A. A large body, but I cannot say how many. I cannot form an opinion, the number was so great.

Q. Was there no proclamation made for silence?

A. Not that I heard.

Q. Was there any noise among the people?

A. I heard only shouting by the people, when Hunt came on the ground, and likewise by the Yeomanry, when they arrived.

Q. Did you hear any other shouting?

A. No.

Q. Did the Yeomanry move in any particular way, when they made what you call a charge?

A. I cannot say whether they did or not. They all went forward.

Q. Did they go in line or file?

A. I cannot say.

Q. Will you swear there was more than three abreast?

A. I cannot swear, because I don't know.

Q. Why do you call it a charge if you do not know how they went?

A. Let it be in whatever way it was, I considered it a charge. I cannot give any further description, as I know nothing of military phrases; and speak only to the best of my belief.

Q. You say there was confusion, was not the line broken in upon by the people, so as to separate them?

A. When they got about half way to the hustings, they appeared to be in great confusion, and the line was not so perfect as it was when they started, but I do not think they were separated.

Q. Did you not see the line broken in upon?

A. No, I did not.

Q. Can you then describe what occasioned the confusion?

A. I cannot; but there was great confusion.

Q. Did they not stop in their way to the hustings?

A. I don't think they stopt once.

Q. Can you not tell what created the confusion?

A. I cannot tell any more than what I have already stated.

Q. If stones had been thrown could you have seen them?

A. I think I could.

Q. How far could you see?

A. About forty yards.

Q. Did you see any stone thrown?

A. I did not.

Q. If any thing was between you and an object, do you think you could see it so clearly as if there was no impediment?

A. I do not understand your question.

Q. Why, for instance, if your attention was to be drawn to the persons who are standing in the last row there (*pointing to the audience*) could you see them as well as if there were no persons between them and you, that is, as well as if all the front rows were away?

A. Certainly not, how can any one see an object so well, if the view is intercepted, as when there is nothing to obstruct it.

Q. Then why did you not answer my question at first?

A. Because I really did not understand it. How could I suppose, you were asking me to give an opinion, on so self-evident a proposition.

Q. From the distance you were situated, might not stones have been thrown without your seeing them, considering the great number of persons that intervened between you and the soldiers?

A. I think not; and I saw none thrown.

Q. Did you see Mr. Hunt when the Cavalry came in?

A. Yes; Mr. Hunt was upon the hustings when the Cavalry moved forward; and, I think, he was there when they cut at the banners.

Q. Did you see the Cavalry after Mr. Hunt was taken away?

A. Yes; I saw them pursuing men and boys, along Cooper-street, after Mr. Hunt had been taken from the hustings.

Q. At what time did you first see the Cavalry on the ground?

A. Soon after one o'clock.

SAMUEL DAVENPORT called in, and examined by the CORONER.

Q. What are you, and where do you live?

A. I am an engraver, and live at Manchester.

Q. Did you know John Lees?

Mr. HARMER—I beg your pardon, Sir, for taking the liberty of interrupting you; but one of the Jury has just gone out of Court: he will, no doubt, be back immediately.

The CORONER—I was only proceeding to ask the witness one or two questions, in order to see whether or not he can prove any thing to the purpose.

Mr. HARMER—I submit to you, Sir, that no question ought to be put to the witness, or answer given by him, unless it be in the presence of the whole Jury.

The CORONER—For the purpose for which I was asking the question, it matters not whether the Jury be all present or not.

Mr. HARMER—I contend, Sir, that whatever the purpose be, the whole Jury ought to be present—but, here is the Juror.

[*The Juror here returned into Court.*]

The re-examination resumed by the CORONER.

The CORONER (*to the Witness*)—Did you know John Lees?

A. No; I did not.

Q. Do you know of any violence done to John Lees?

Mr. HARMER—I beg to remind you, that the witness has not been sworn.

The CORONER—I was putting these questions for the purpose I before stated, in order to learn whether it was necessary for me to swear him or not.

Mr. HARMER—But is this kind of examination correct? There is no precedent for it. The witness ought not to answer any question, excepting on oath.

The CORONER—I am not now going to take his answers as evidence; I only want to see if he knows any thing about the matter. If I swear him, I must then take his evidence.

Mr. ASHWORTH—The Coroner may examine him on the *voire dire*, to see if he is a competent witness; and, if he finds he is not, he need not to swear him. You know it is continually the practice, at trials in Courts of Law, for counsel to question witnesses who present themselves, to see whether they are not rendered incompetent, by being interested in the event.

Mr. HARMER—But, Sir, they are always sworn the moment they get in the witness-box, and before those questions are asked.

The CORONER (*to the Witness*)—Well, then, take the book. (*Putting the Testament into his hand.*)

Witness sworn, and examined by the CORONER.

Q. What do you know respecting the death of John Lees?

A. I was at the meeting, and saw violence done to a person; but whether he was named John Lees, or not, I cannot tell.

Q. Do you know whether it was John Lees? that is what I ask.

A. I cannot say that it was John Lees; it might be, or it might not.

Q. Tell me when you saw violence done to this individual. Have you any reason to suppose it was him more than any other person?

A. I do not know who it was; it was near the hustings.

Q. What violence did you see?

A. I saw Mr. Birley and the trumpeter cutting with their sabres.

The CORONER—Stop, Sir, stop. I did not ask you whom you saw cutting; but what violence was done?

A. I was going to tell you, Sir, that I saw Mr. Birley and the trumpeter.

The CORONER—What do you mean by wandering from my questions, and telling me what you are not asked? Attend to me. Did you see John Lees cut?

A. I don't know whether it was he or not; but I saw a person, near the hustings, cut by the Yeomanry.

The CORONER (*Repeating, as if the words of the witness*)—"I did not see Lees cut that I know."

Mr. HARMER—"But I saw a person near the hustings cut by the Yeomanry, and don't know whether it was he or not." These, Sir, (*to the Coroner*) were the words of the witness; and I insist that they ought to be taken down.

The Coroner here arose, and *with apparent agitation and earnestness* said, "Mr. Harmer, I tell you, once for all, that you shall not thus interfere between me and the witnesses, and that I will not allow you to be an echo to your witnesses."

Mr. HARMER—I know not what you mean by echo. I merely repeated what was said by the witness, and which I considered

important evidence, that you might not omit to insert it on your notes.

The CORONER—(*with great warmth*)—I say you have been an echo to them; and I say more, you have acted as fugleman to them.

Mr. HARMER—(*with great emotion*)—Mr. Coroner, that is—I was going to say, what, perhaps, might be deemed improper. But your accusation is untrue. I would scorn to do a base or dishonourable action to obtain success in any cause. I would —

Mr. ASHWORTH—Permit me to interfere. Mr. Harmer, you must know that the Coroner is vested with power to secure respect, and it is unexampled to tell him that you *insist* on his taking down certain words. I recollect, perfectly well, when a counsel of great authority had said, “Let his Lordship take down these words,” the Judge used these emphatic terms:—“His Lordship will take down what his Lordship deems right.”

Mr. HARMER—I did not intend to use the word “*insist*” in the offensive way you suppose. I intended to use it argumentatively, to express my conviction that it was legal evidence.

Mr. ASHWORTH—You did not so express yourself. You used it in a very peremptory and dictatorial manner.

Mr. HARMER—If I did so, it was in the warmth of the moment, and not intentionally to offend. Still, if I have inadvertently used an improper expression, I am sorry for it. I hope this will be received as a sufficient apology.

The Witness re-examined by the CORONER.

Q. Did you see any person cut on the 16th of August?

A. I saw many cut.

Q. Whereabouts?

A. Near the hustings.

Q. On which side?

A. On the right from Mr. Buxton’s house, and near Peter-street.

Q. How far were you from the hustings?

A. About forty yards from them, and then I saw this man cut on that side near St. Peter-street.

Q. On what part of the body were the cuts inflicted?

A. On the arm and the head.

Q. What with?

A. A sabre.

Q. Which arm?

A. I don’t know.

Q. How far were you stationed from him?

A. Within forty yards.

Q. At what time was this?

A. Mr. Hunt had just finished speaking.

Q. Did you see him bleed?

A. No; there was so great a crowd I could not see him bleeding; but he certainly must have received the wound.

Q. How do you know that? Did you see the man after: tell me where the wound was?

A. Above and below the elbow.

Q. Are you sure he was cut?

A. I positively say I saw him cut.

Q. Can you say who inflicted the wound?

A. I am sure he must have received the wound from Mr. Birley.

Q. Did you see the man after he was wounded?

A. No, I did not.

Q. What part of the arm was it?

A. The upper part; between the elbow and the shoulder, and between the wrist and the elbow on the inside.

Q. Which side of his head was cut?

A. The right side.

Q. How was the man dressed?

A. I cannot tell; I did not see his dress.

Q. Can you not describe his dress?

A. No, I cannot.

Q. Was his coat or hat cut?

A. I did not see whether it was or not.

Q. Were there any persons between you and this man?

A. Yes, many hundreds; Cavalry as well as the populace.

Q. Did you see him fall?

A. Yes; I saw him fall and several others.

Q. When he got up, did you see which way he went?

A. No, I did not.

Q. How long did you remain after the man was cut?

A. About ten minutes; I saw many others cut and fall upon the ground, at about forty yards from me, in the direction of Mr. Buxton's house.

Q. You say you saw others cut, who were they?

A. I do not know their names.

Q. Where do you say this was?

A. I saw them cutting a little from the hustings, towards Peter-street.

Q. Did you see any wounded?

A. I saw a second man cut at by the trumpeter: I could not, at that distance, say whether or not he was wounded.

Q. How was the second man dressed?

A. I cannot speak to it.

Q. What was the nearest you were to the hustings?

A. About forty yards.

Q. Did you see any other mischief done?

A. I saw the whole of the Cavalry cutting at the mob right and left.

Q. You say, from what you saw, you know the man must have been cut: now, as you did not see him afterwards, how do you know it?

A. By their furious manner I was confident they must have cut,

and that many must have been wounded ; and, as I before said, I saw one cut twice, and then he fell down ; and there were several wounded, but I cannot identify them.

Examined by Mr. HARMER.

Q. Are you sure that the two persons of the Yeomanry Cavalry, whom you have identified, were cutting and wounding the people ?

A. Yes, I am.

Q. Did you see any thing particular to attract your attention near the hustings, after the meeting was dispersed ?

A. I went from curiosity, and saw blood there.

Q. When you saw the two Yeomanry you have named, cutting with their swords, were there any others of the same corps present ?

A. Yes ; I saw several others of the Yeomanry using their swords, cutting at the people.

Q. How long had you been on the ground, previous to the arrival of the Yeomanry ?

A. About an hour.

Q. Had the Riot Act been read in your hearing, or to your knowledge ?

The CORONER—I object to these questions being put to this witness, until John Lees is identified ; which may be done by the number of cuts on the arm.

Mr. HARMER—I submit, Sir, that it is evidence for the Jury. How can they expect to give a correct verdict, unless all the facts are laid before them, and it is for them to intimate that evidence on particular points is unnecessary ; because it is they who are to be satisfied and not we.

The CORONER—It is my province to determine ; and I will not hear it.

Mr. HARMER—It is my duty, Sir, to bow to your decision ; but still I cannot help saying, I consider it is evidence which you ought to receive, and which the Jury ought to hear.

The CORONER—I will not allow it.

Mr. HARMER—Am I to understand you to say, that the deceased must be specifically identified before you will allow the witness to say how long he had been on the ground, or whether the Riot Act had been read ?

The CORONER—Yes.

Mr. HARMER—Will you permit me to ask if the Riot Act had been read ?

The CORONER—Not until John Lees is identified. I do not allow you to go into the general questions until John Lees is identified ; for until that is done, no evidence can be received. You are not permitted at present to ask how long he was on the ground ? If the Riot Act was read, or if the Magistrates were present ?

The FOREMAN of the JURY—I beg to say for myself, and my

brother Jurymen, we have heard sufficient evidence to convince us that the meeting was peaceable, and that the Riot Act was not read.

Mr. HARMER—If that be so, it will be a waste of time to offer any further evidence on these points, unless in the course of the enquiry, testimony shall be produced on the other side to weaken the case, I have now established; but if any such course is attempted, I reserve the right to call further evidence, and to question all my witnesses on those particulars.

Mr. ASHWORTH—I probably may, in the course of the duty I am to perform, for those on whose behalf I attend, offer evidence to show that the meeting was of a different description to what has been hitherto described; and if so, the learned gentleman will be at liberty to offer fresh evidence.

The CORONER—Certainly.

Mr. HARMER—I am perfectly satisfied with this arrangement, and I shall next proceed to prove that the swords of the Manchester Yeomanry were sent a few days previous to the meeting to be sharpened, in consequence of a regimental order. I next shall produce witnesses to prove that they were actually cut at the same spot, and at the same time that it has been proved, John Lees, the deceased, received his injuries; and the witnesses will, as I am told, identify some by name, who cut and injured the people.

The CORONER—What! John Lees?

Mr. HARMER—No, Sir; from the general confusion and dismay created by this unexpected attack, it is hardly likely any person could be indentified as doing any individual act; but as all the Yeomanry joined in the violence, which occasioned the death of several persons, and this youth amongst the rest, I contend that they are all answerable for the individual acts of each. But still, Sir, I wish, in my pursuit of justice, to show mercy, and if permitted to follow the course I have prescribed for myself, in the conduct of this case, I shall only seek to identify such of them, as were most actively engaged.

The CORONER—I shall adjourn the Court for to-night.

Mr. HARMER—Will you not conclude the examination of this witness, Mr. Davenport?

The CORONER—No, I shall proceed no further to-night.

Mr. DENISON—I have a few summonses, Sir, for witnesses who have hitherto declined attending; they are already filled up, and only require your signature.

The CORONER—I must consider whether I ought to grant them, after my former summonses have been abused, by compelling a person to attend as a witness, and then to accuse him.

Mr. DENISON—We were not aware that Serjeant Major Gregson was one of those who joined in attacking the people in the field; and our object in summoning him was to obtain the muster roll of the regiment on the 16th of August, and had he been called he could have objected answering any questions that might involve himself in criminality.

The CORONER—I shall refuse to take the evidence of any man who may turn out to be a party in the business.

[*The Coroner, after procuring the names of the persons to whom the summonses were directed, signed and returned them.*]

Mr. ASHWORTH (*to the Coroner*)—It was intended, that I should attend this Inquest from the outset; but I was prevented by other business. To-morrow and on Friday I have also particular engagements, which will prevent my attendance on those days. I therefore request that you will adjourn until Saturday next; and I dare say Mr. Harmer will consent to it.

Mr. HARMER—It is my wish that the business should be proceeded in without delay. It is a case which demands a speedy termination, and, therefore, however I may personally wish to accommodate Mr. Ashworth, I must decline giving my consent to so long an adjournment. If the Coroner thinks right to grant it, I shall abstain from saying a word on the subject.

A JUROR—It would suit the Jury better to proceed to-morrow and Friday; and adjourn over Saturday, so as to give us an opportunity of going to the market.

Another JUROR—I don't see why our time must be given up, merely to accommodate one man, who is paid for attending here.

The CORONER—Mr. Harmer consents to the adjournment until Saturday. There can therefore be no objection to it.

Mr. HARMER—Pardon me, Sir, I do not consent.

The CORONER—Well, you do not object.

Mr. HARMER—I say nothing on the subject, excepting, that if there is to be an adjournment, I think a shorter one would be preferable.

The CORONER—I shall adjourn to Saturday.

ADJOURNED TO SATURDAY THE 2ND OF OCTOBER.

Sixth Day.

AT THE SIGN OF THE ANGEL, OLDHAM.

SATURDAY, OCTOBER 2, 1819.

At nine o'clock the Coroner entered the Court-room, with his usual retinue; Mr. BARROW attended in the stead of Mr. ASHWORTH. The Jury were called over, and the Inquest resumed.

Mr. BARROW (*addressing Mr. Harmer*)—I have to request, in consequence of the unavoidable absence of Mr. Ashworth, that you will allow the cross-examination of S. Davenport, who was partially examined at the last sitting, to be postponed until Monday, when Mr. Ashworth will be able to attend.

Mr. HARMER—I certainly have no objection, and I will request Mr. Davenport, who is now here, to attend again on Monday.

The CORONER—Is there any one here taking notes for the *Times* newspaper?

REPORTER—I attend here and am taking notes for the *Times*.

The CORONER—What is your name?

REPORTER—My name is Evans.

The CORONER—Sir, I forbid you to take a single note. I will not allow it; nor shall I allow you (*addressing himself to Mr. Finnerty*) for you also have published accounts of what passed here, contrary to my interdict; besides, you have given garbled and unfair accounts of what passed. This is aggravated by your saying that you had complied with the injunction.

Mr. FINNERTY—The *Morning Chronicle* only copied from the *Times*, as every paper usually does when once one has published.

The CORONER—No; it is not a copy from the *Times*; for to do the *Times* justice, it is more correct. You say that I asked many impertinent and trifling questions, without mentioning those questions. You have made comments—(*Here the Coroner read those comments from the Morning Chronicle.*)

Mr. FINNERTY—Those comments have no reference to the nature of the evidence given in this Court, or to your order against immediate publication. I hope, therefore, you will feel that no punishment can be equitably inflicted upon me.

The CORONER—You have said that my judgment was not worthy of attention.

Mr. FINNERTY—I certainly, with all deference, differed from you on a point of law, but I expressed that difference with all due respect.

The CORONER—In order to show you that it is an offence, I will read the determination of the Judges in a case in point.—
(*Here the Coroner read the case of the King against Street.*)

Mr. BARROW—I submit, Sir, that if the report in the *Morning Chronicle* were only a copy from another paper, it was equally a violation of your order.

Mr. EVANS—In the case of *Street*, which you have just read, it was only comments that were complained of. Now the *Times* has made no comments upon the evidence. You acknowledge that the evidence is correctly given, I therefore hope that you will not forbid the taking of notes.

The CORONER—I do forbid it. I understand you used great haste in getting the accounts of the first day conveyed to town; you have been very criminal.

Mr. EVANS—I did use haste, but the evidence being correct, I hope you will not on that account forbid the taking notes.

The CORONER—There are omissions of which I see the object. You have not given the whole of Mr. Cox's evidence.

Mr. EVANS—I believe the report is as correct as any report of the kind can be; and with respect to the evidence of Mr. Cox, the surgeon, it was impossible to do it fully, as he spoke in such a very low tone of voice.

Mr. FINNERTY—The opinions, Sir, which you have quoted, do not apply to the extract which you have read from the *Morning Chronicle*, and I can shew it. That paper, or those who conduct it, would not wilfully do any thing wrong.

The CORONER—I know the object of sending these statements abroad. I feel it my duty to prevent their circulation (turning to Mr. Finnerty.) I do not envy either the head or the heart of you or your editor.

Mr. FINNERTY—Our only object is the publication of the truth, and we shall pursue that, whatever obstacles may be thrown in our way.

The CORONER—Sir, I will hold no further altercation with you.

Mr. FINNERTY—If you mean to inflict punishment, I am ready to meet it; but I hope you will not pronounce your final judgment, without hearing me in my defence.

The CORONER—I will not hear further; be silent, Sir, I desire you to sit down.

Mr. FINNERTY—I obey; the power, Sir, is no doubt on your side, whatever the argument may be. But remember, Sir, that I protest against the equity of the proceeding.

Mr. EVANS—The *Times* publishes no comments. The accounts published in that paper are correct, and I challenge any one to show the contrary.

The CORONER—It may be so, Sir. But you were the first to violate my order, and you yourself was the person who used such expedition to London. I will not allow any notes to be taken for the *Times* or *Chronicle*, by either of you, or by any one else

for you. Let me see, I think I can discern a new face among the Reporters.

[*The Coroner then inquired the names of the different persons at the Reporters' table, and the papers they wrote for: those from the Leeds Mercury, Leeds Intelligence, and those who took notes for Mr. Harmer, were allowed to proceed. One of the latter said, his name was Willan.*]

The CORONER—Were not you at the Hunslet Moor meeting?

Mr. WILLAN—I was.

[*The Coroner paused a few minutes, at length seeing another Reporter, he asked "for what Paper do you report?"*]

The REPORTER—The *Morning Chronicle*.

The CORONER—What is your name?

The REPORTER gave his name.

The CORONER—I order you not to attempt writing.

Mr. HARMER—Since our last meeting, I have been looking for cases in support of the line of proceeding I have pursued, and shall cite a case from Plowden's Reports, vol. 1. p. 97. In that case certain persons who were indicted as aiding and abetting in the commission of a murder, were in custody, and brought into Court for trial. But the principal who had struck the blow, and who was included in the indictment, had escaped. It was argued for the prisoners, "that the principal not being forthcoming, those who were with him and did not strike the blow could not be tried." The Judges, however, after advising for two days, says the Report—"Held clearly enough that they might proceed with the prisoners now at the bar, without any inconvenience arising from it; for, they said, that when many came to do an act, and one only does it, and the others are present abetting him, or ready to aid him in the fact, they are principals to all intents as much as he that does the fact; for the presence of the others is a terror to him that is assaulted, so that he dare not defend himself; for if a man sees his enemy, and 20 of his servants coming, to assault him, and they all draw their swords and surround him, and one only strikes him, so that he dies thereof, now the others shall with good reason be adjudged as great offenders as he that struck him: for if they had not been present he might probably have defended himself, and so have escaped; but the number of the others being present, and ready to strike him also, shall be adjudged a great terror to him, so as to make him lose his courage, and despair of defending himself, and by this means they are the occasion of his death. So that their presence is the cause of terror, and terror is the reason that he receives the wounds, and the wounds are the cause of his death. And then, inasmuch as both together viz. the wounds and the presence of the others who gave no wounds at all, are adjudged the cause of his death, it follows that all of them, viz. those that strike, and the rest that are present, are in equal degree, and each partakes of the deed of the other. And the fact, as to him that is dead, and as to the punishment of it, (although it consists of two parts) yet in law it is without divi-

sion; and notwithstanding there is but one wound given by one only, yet it shall be adjudged in law the wound of every one, that is, it shall be looked upon as given by him who gave it, by himself, and given by the rest by him as their minister and instrument. And it is as much the deed of the others, as if they had all jointly holden with their hands the club, or other instrument, with which the wound was given, and as if they had altogether struck the person that was killed."

Mr. BARROW—I feel diffident in arguing a point of law in the absence of Mr. Ashworth, but I submit, Sir, that the case quoted is not a case in point, inasmuch as in that case the principal, though absent, was included in the indictment, whereas, here is no principal known; and where there is no principal, there can be no accessaries.

Mr. HARMER *rose to reply, but was interrupted by*

The CORONER—Mr. Harmer, you have already been heard, and you must know it is not usual to be heard twice on the same point.

Mr. HARMER—The practice, Sir, as I have seen it, has always been the contrary. Whenever a legal objection is taken, or a case stated, a reply is always allowed after the opponent has answered.

The CORONER—Well, you had better go on.

Mr. HARMER—I have already said, that I am not considering this a case of *principal and accessory*. They are all principals who are present. The position, if admitted, of Mr. Barrow, would go to exonerate every principal in the second degree, and no one could be punished, unless the principal in the first degree, or he who struck the mortal blow, could be found. But the law is, as I contend, that the discovery or conviction of the principal in the first degree, is immaterial. It is not necessary that I should show which was the actual hand that inflicted the injury, in order to proceed against those who joined in the attack, either by using actual force, or inspiring terror by their presence.

The CORONER—I think there can be no accessory without a principal.

Mr. HARMER—You are right, Sir. But in the present case, it is not contended that there are accessaries. They are all principals. Some in the first degree, others in the second degree.

The CORONER—I now see Mr. Ross making suggestions to you.

Mr. HARMER—I desire no suggestion, excepting from Mr. Denison.

The CORONER (*to Mr. Ross*)—I taxed you with doing so before, but you denied it; now, however, I have found you out.

Mr. ROSS—Sir, when I denied your charge, I was justified in doing so, as I was innocent of it.

The CORONER—Sit down, Sir, and keep silence.

Mr. ROSS—Sir, I cannot sit silently, and hear myself charged with a lie in an open Court.

SARAH LEES called in by the Constable, sworn, and examined by the
CORONER.

Q. Where do you live?

A. At Oldham.

Q. Are you the sister of the deceased?

A. I am, Sir.

Q. Did you see your brother before he went to the meeting?

A. Yes.

Q. Did you know where he was going?

A. No.

Q. What time did he leave home?

A. About seven o'clock.

Q. When did he return?

A. Between seven and eight in the evening.

Q. Was any thing the matter with him then?

A. Yes, he seemed very poorly.

Q. Did he say he was poorly?

A. Yes.

Q. Did he say he had got hurt at the meeting?

A. Yes.

Q. Did you see the injury yourself, that night?

A. No; but other persons of the family did.

Q. Did he go to bed early?

A. Yes, Sir.

Q. Did his father see him before he went to bed?

A. No, Sir.

Q. Did he come down again that night?

A. No, Sir.

Q. Was there any dressing applied to his arm before he went to bed?

A. No.

Q. Did he tell you on the Tuesday morning of the injury he had sustained at the meeting?

A. Yes; he said he had been much hurt.

Q. Did you see any wounds?

A. I saw his elbow—it was much cut, and seemed very bad.

Q. Did you see any more wounds?

A. No.

Q. Did he complain of the wounds?

A. Yes; he said his left shoulder was cut; but I didn't see it.

Q. Did he get up on the Tuesday morning, and go out?

A. Yes; he went to Mr. Earnshaw, the doctor, I suppose.

Q. When did he return?

A. About noon, to dinner.

Q. Did he go out again?

A. Yes, after dinner.

Q. When did you see him again?

A. Not till next morning.

Q. Did you say any thing to him about his elbow, next day?

A. Yes ; I asked him how it was, and he replied, "Very bad."

Q. Did he remain in doors the whole of the day ?

A. No ; he kept coming in and out during the whole of the day.

Q. What time did he go to bed ?

A. I cannot say.

Q. How long did he keep his bed on Thursday ?

A. The whole of the day ; and did not rise till two o'clock on Friday.

Q. Did he then go out ?

A. Yes ; he said he was going to get his elbow dressed.

Q. What time did he get up on Saturday ?

A. About eleven o'clock.

Q. Did he then go out ?

A. Yes ; and kept coming in and out of the house during the day.

Q. Did he clean himself on Sunday ?

A. Yes.

Q. Was you at home the whole of the day ?

A. No, 'not in the afternoon—I went to Chapel.

Q. Was he at home to his dinner on that day ?

A. No.

Q. When did he return again ?

A. Not until twelve or one o'clock on the Sunday night.

Q. Did you know where he had been during the day ?

A. No.

Q. Did you say any thing to him on his return ?

A. Yes ; I said he had come home late.

Q. What time did he get up on Monday ?

A. About nine o'clock.

Q. When did you see him again ?

A. Not until Tuesday night, about six o'clock.

Q. Was he absent during the whole of that time ?

A. Yes.

Q. Did he tell you where he had been ?

A. No.

Q. Was it usual for him to absent himself from home so long ?

A. No ; very unusual.

Q. Did he keep his bed on Tuesday ?

A. Yes ; having found himself better in bed, as he said, he did not get up the whole of that day.

Q. Did he eat his meals hearty, as usual, on that day ?

A. No.

Q. What time did he get up on Tuesday ?

A. About two o'clock.

Q. Did he then go out ?

A. Yes ; he said he should go to Mr. Earnshaw, the surgeon.

Q. When did he return ?

A. About eight o'clock that night.

Q. At what time did he get up on the day following ?

A. About noon, and was at home all day.

Q. What time did he get up on Saturday ?

A. Near noon, and kept going in and out all day.

Q. Were you absent from home on Sunday ?

A. Yes; I went to Liverpool about six o'clock in the morning, and I did not see him before I set out.

Q. How did you find him on your return on the Friday following ?

A. I found him rather worse, lying on the sofa in the kitchen.

Q. How was he on Saturday ?

A. He was very ill during the whole day.

Q. Did he get up at all ?

A. Yes, about eight, and was carried down stairs, and was not able to go out, walk about, or do any thing.

Q. Had he lost the use of his left side ?

A. Yes.

Q. Did he remain in bed all day on Sunday ?

A. Yes.

Q. When did he die ?

A. On Monday night.

Q. Can you speak as to the first time Mr. Earnshaw attended him ?

A. I cannot.

Q. Did he attend him at home before you went to Liverpool ?

A. No.

Q. Was it on your return from Liverpool, that he had lost the use of his side ?

A. Yes.

Q. Who attended him on the Saturday before he died ?

A. Mr. Earnshaw.

Q. Was he ever bled ?

A. Never, to my knowledge.

Q. Were not leeches placed to his side ?

A. Yes ; perhaps four or five.

Q. Was this on the Saturday before he died ?

A. Yes.

Q. Were leeches never before applied ?

A. No, not to the best of my knowledge.

Q. You never saw any other wound than the one on his elbow ?

A. I did not.

Q. Did he ever complain of any injury in his inside ?

A. Yes.

Q. Were any other parts of his person wounded besides his elbow.

A. Yes, his shoulder, but I did not see it.

Examined by Mr. HARMER.

Q. Was he well and hearty when he went out on the 16th ?

A. Yes.

Q. Did he not complain, on the next morning, of his inside being much hurt ?

A. Yes.

Q. To what did he attribute it ?

A. He said he supposed it was from the crushing.

Q. Was he able to work after that time ?

A. No.

Q. Was he always able to work previously ?

A. Yes.

Examined by Mr. BARROW.

Q. Did you ever hear him complain of pain in his breast before he went to the meeting ?

A. Never.

Q. Did you see his shirt the following day ?

A. Yes.

Q. Was it cut at all ?

A. Yes, near the elbow.

Q. Was there any other cut in the shirt ?

A. I did not see any other.

Q. Did he complain to you of the wounds in his elbow and shoulder ?

A. Yes.

Q. Was he not away from home from Monday to Tuesday ?

A. Yes.

Q. Were his parents uneasy at his absence ?

A. Yes, very uneasy.

Q. Did his parents know where he was gone ?

A. No.

Q. Do you know if there were any wakes carried on at this time ?

A. I do not.

Q. Do you think he was worse when he returned, than he had been before he left home these two days ?

A. I do not.

Q. Did you suppose his life was in so much danger before you went to Liverpool ?

A. I did not.

Q. Was he in liquor or not, when he came home on Friday night ?

A. I cannot say.

Q. Did you not hear of his being at the Middleton Rush ?

A. I did.

Q. Do you know how long he staid there ?

A. I do not.

Examined by Mr. HARMER.

Q. Did he, on the Tuesday morning after the meeting, complain of any other hurts besides the cut ?

A. Yes ; he said that the bruises he had received in his inside, were much worse than the outside.

Q. Did he tell you where those other hurts were ?

A. Yes ; he complained of one on his left side, and another on the back, in the midway, and he said he had injuries in the inside of his head.

The CORONER again examined the Witness.

Q. Was there any person present when he told you this?

A. No.

Q. Do you happen to know whether he told any person besides?

A. I do not.

Mr. BARROW (*to the Coroner*)—Will you be so good, Sir, as to ask the witness how it happened that she did not mention all this conversation in her former examination, because she then merely said I asked him how his elbow was; and he said, very bad?

The CORONER—(*to the Witness*)—You hear the question, what do you say to it?

A. I was not asked all that passed; and I only told you what you asked me.

DANIEL KENNEDY called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. Where do you live?

A. In Fennel-street, Manchester.

Q. What are you?

A. I am a cutler.

Q. What do you know as to John Lees' death?

A. All I know about the matter is, the sharpening of the swords of the Manchester Yeomanry Cavalry.

Q. How did you come to have them?

A. I am in the employment of Mr. Richardson, and had them from him to do.

Q. When was this that you had them?

A. They were principally done in July. On the week ending the 17th of July, I had done sixty-three swords.

Q. What was the object for sharpening them?

A. The object was never given to me.

Mr. BARROW—(*to the Coroner*)—I submit to you, that what this man says cannot be evidence. What he is speaking to, was a month before the meeting.

Mr. HARMER—It is evidence, if it were twelve months before. The material point is, whether the sharpening was done in contemplation of the meeting; and it will be recollected, that the first meeting was to have taken place on the 9th of August, and that it had been advertised and talked of some time before.

The WITNESS examined by Mr. HARMER.

Q. Were none sharpened shortly previous to the 16th of August?

A. A few; but the principal part of them were sharpened some time before.

Q. You sharpened a few after the 17th of July?

The CORONER—You always echo the witness when it is in your favour; but you never do it when against you. You ought to do

it fully, if at all. He said, "but the principal part was before the 17th."

Mr. HARMER—Yes; he said that sixty-three were sharpened before the 17th, but a few were afterwards; and I repeated the latter part merely as an interrogation, that I might see if it was correct.

The CORONER—I must say, that you show too much zeal for the purposes of gaining certain ends—a zeal which will be fatal to the object you wish to attain. I have already cautioned you on this head. I know very well what your motives are in doing this, but they will be defeated.

Mr. HARMER—I have no motive in view but public justice, which, I hope, is the feeling by which we are all actuated. I seek only for justice, and God forbid that in such an object I should be defeated.

The CORONER—Yes, you have a different end to answer.

Mr. HARMER—I am extremely sorry to hear you make such a remark. But, Sir, I can appeal to my own conscience that your accusation is unfounded.

Q. Was there any particular direction given with them?

A. No; only to sharpen them *well*.

Q. Did you accordingly make them very sharp?

A. Yes.

Q. Were all the swords taken away previous to the 16th of August?

A. Yes.

Q. Was there not a meeting announced for the 9th of August?

A. Yes; but I know not any thing further about it.

Q. Was it not well known that such a meeting was expected?

A. Yes, it was.

Q. By whom were the swords delivered to you to be sharpened?

A. Several were given to me by some of the individuals in the Yeomanry themselves.

Q. From whom did you receive the rest?

A. From Mr. Richardson.

Q. How long have you worked for Mr. Richardson?

A. Five years.

Q. Were Yeomanry swords ever brought to you to be sharpened before this time?

A. They were occasionally brought to be cleaned, but never to be sharpened.

Q. Was there any regimental order given for sharpening the swords?

A. I don't know.

The CORONER (*to Mr. Harmer*)—You told me, Mr. Harmer, that the swords were sharpened but a few days before the meeting. You misrepresented what would be the evidence of the witness, who says, they were sharpened in July.

Mr. HARMER—I have been guilty of no misrepresentation. Here, Sir, (handing to the Coroner a written paper) is the deposi-

tion signed by the witness himself, in which he states, that shortly previous to the first meeting the order came, and, Sir, recollect, that this meeting was to have been held on the 9th.

The CORONER—But what is the object of this man's evidence?

Mr. HARMER—I had rather not explain my impression. It might be considered presumptuous and illiberal. I had rather leave the Jury to form their own conclusion.

CORONER—What can his evidence have to do with the death of John Lees?

Mr. HARMER—I repeat, that it will be more proper for me not to explain the object; but if I am pressed to do it, I can have no difficulty in showing it is most important. Do you wish me, Sir, to state how it applies?

The CORONER—No.

The WITNESS cross-examined by Mr. BARROW.

Q. Was there any meeting before the 16th?

A. I cannot say; there was one talked of for the 9th.

Q. Did the swords want any repairing?

A. Possibly they might; but, generally speaking, they were merely to be sharpened.

Q. Did the swords appear to want sharpening?

A. They were as sharp as swords usually are; but they were sent to Mr. Richardson for the purpose of being made still sharper.

Q. Was this the first time of their being sharpened?

A. Yes.

Q. What is the reason why they were sharpened?

A. Because they were blunt.

Q. Was there any particular direction given as to the sharpening, any more than with other swords?

A. No.

This Witness called back by Mr. HARMER, and examined by the CORONER.

Q. Have you had any thing to do, while employed by Mr. Richardson, for any other corps than the Manchester Yeomanry?

A. No.

Q. Do you never receive swords to be sharpened from private persons?

A. Yes; it is very often the custom of gentlemen to send their swords to be sharpened.

THOMAS PADMORE called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. Where do you live?

A. In Portland-street, Manchester.

Q. What do you know of the death of John Lees?

A. Nothing.

Q. (to Mr. Harmer)—What then is the gist of this man's evidence?

Mr. HARMER—I call him to prove seeing the Yeomanry, immediately before they went to the field, and heard some expressions.

Examination of the WITNESS resumed by the CORONER.

Q. Were you at the meeting?

A. I went to the field, but went back again directly.

Q. What was the cause of your going there?

A. I had lost my lad, and suspecting him to be at the meeting, I went to look for him; but my wife had already found him.

Q. Did you see the Yeomanry Cavalry?

A. Yes; on my return I saw them drawn up in Portland-street, near to where I live. They were called together and ordered to load their pistols, which they did, and then put them up again. They then continued in the same position for about half an hour, when they were then ordered to draw their swords; which they did, and brandished them in the air, righting and lefting; and they galloped off about a minute or two afterwards, as though they were mad. I then went home much alarmed.

Q. Who ordered them to load their pistols?

A. I heard Mr. Birley order them to load their pistols, which they did.

Q. Where did they gallop to?

A. Towards Mosley-street.

Q. Who ordered them?

A. Mr. Trafford and Mr. Birley.

Mr. BARROW—I object to these questions. They only go to fix a serious charge on two gentlemen without just cause?

The CORONER—It is not evidence. I must stop it.

Mr. HARMER—I submit that it is evidence (*to the Witness*) You saw Major Trafford and Mr. Birley manœuvring the Cavalry?

The CORONER (*with great warmth*)—He never mentioned the word manœuvring.

Mr. HARMER—No, he did not, but he said “righting and lefting.”

The CORONER—No, he did not.

Mr. HARMER—I beg your pardon, he did; although perhaps, you have it not in your notes.

The CORONER (*with increased energy and warmth*)—He never used such expressions.

A JUROR (*to the Coroner*)—Yes, Sir, I heard him say “righting and lefting.”

Mr. MELLOR (*the Constable*)—Yes, Sir, he did say so.

The CORONER (*after a pause*)—But what is his evidence; he only saw the Cavalry gallop towards Mosley-street; does that prove them principals?

Mr. HARMER—No, God forbid it should; but I shall carry the proof further. They must have come to Mosley-street in order to go to St. Peter's Field, and I shall show that they went onwards until they reached the field.

The CORONER—I shall not take that evidence.

Mr. HARMER (*handing in a written paper*)—There, Sir, is what the witness can prove. I tender it as his evidence. If you think it ought not to be received, you will hand it back to me.

The CORONER—I shall not read it. I am not to be entrapped. But how comes it that you take depositions of witnesses out of court? I understood differently the other day.

Mr. HARMER—I consider it my duty to enquire, in many cases, what witnesses can prove; it would be a neglect of duty not to do it. I have, however, on a former occasion, truly said, that many witnesses were brought forward by me, of whose testimony I had no previous knowledge.

The CORONER (*to the Witness*)—Is what you have said, all that you have to say?

A. Yes; but one thing I forgot to mention; after the Cavalry had waited about half an hour in Portland-street, a man came down in coloured clothes, and brought a letter to Mr. Birley.

Q. Do you know the contents of that letter?

A. No.

Q. What did Mr. Birley do with the letter?

A. He gave it to Mr. Trafford, who read it, Mr. Birley overlooking him.

Q. Did Mr. Trafford return it to Mr. Birley?

A. Yes; and he put it into his side bag.

Q. What did Mr. Trafford and Mr. Birley do afterwards?

A. They turned round to the men and bade them draw their swords; they then spurred their horses and galloped furiously off.

The WITNESS cross-examined by Mr. BARROW.

Q. On what horse was the man who gave the letter to Mr. Birley?

A. On a bay horse.

Q. When the letter was read, did the soldiers do any thing?

A. Yes; they galloped on as though they were flying.

Q. Did you know Mr. Birley before?

A. Yes.

Q. Did you know Mr. Trafford before?

A. No; not until he was pointed out to me by the people.

Q. Do you know who was the senior officer?

A. No; I think I heard some people say Mr. Trafford.

Q. Did you know what the letter contained?

A. No; I had no possible idea of it.

Q. Do you think it contained any orders as to the Yeomanry?

A. It certainly had that appearance, for the Yeomanry instantly galloped away.

Q. Do you happen to know whether it is regular for soldiers to have their swords drawn or their pistols loaded?

A. I do not.

Q. Did the officers go before the men?

A. Yes.

Q. Did you hear any orders given?

A. No.

Q. Where do you live?

A. In Portland-street.

Re-examined by the CORONER.

Q. Did you go home after the Cavalry had galloped off?

A. Yes; and remained there.

PETER DRUMMOND called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. What are you?

A. A weaver.

Q. Do you know any thing of John Lees?

A. I know nothing of him.

Q. Were you at the meeting at Saint Peter's Field?

A. Yes.

Q. What time did you go there?

A. I went at 12 o'clock.

Q. Were there many people assembled?

A. Yes; a great number.

Q. Which way did you go?

A. Down Saint Peter's Field.

Q. Were there many people going to the meeting?

A. Yes; in all directions.

Q. Did you see Mr. Hunt?

A. Yes.

Q. Where were you situated?

A. Near the hustings. There were two rows of constables standing in a column near the hustings.

Q. Did you see Mr. Nadin walking between them?

A. Yes.

Q. How long did you remain there?

A. About ten minutes.

Q. Did you hear Mr. Hunt speaking?

A. I saw he was speaking, but I could not understand what about, and I then went nearer to Mr. Buxton's house, and I saw a person come to the window and tell the constables to get ready, as the boroughreeve and soldiers were coming.

Q. How far were you then from Mr. Buxton's door?

A. About fifteen yards.

Q. Did you afterwards remove your situation?

A. Yes, farther to a rising ground, when I saw danger approaching, by the Yeomanry galloping as hard as they could drive, with their drawn swords.

Q. Where did the Yeomanry gallop to?

A. In about three minutes they came round the cottage, galloping; the trumpeter was first, and the rest followed, two by two, as near as I could guess.

Q. Was the trumpeter far before the rest?

A. About thirty yards, or more ; and after they formed themselves, Mr. Hunt's party gave them three friendly cheers.

Q. Did the Cavalry answer them in any way ?

A. Yes ; by returning the shout, and waving their swords over their heads.

Q. What did they do then ?

A. In about three minutes afterwards, they galloped round the hustings, right and left, knocking people down in all directions, constables, and every one else. I thought there was danger, and I retired to my brother's house, which is near Peter's field.

Q. How long do you think you remained there ?

A. About three quarters of an hour ; and during that time the Cavalry were riding in all directions, cutting at the people.

Q. Can you swear you saw them cut any person ?

A. No.

Q. Do you know the person who was at Mr. Buxton's window ?

A. No. He was a gentleman in black.

Q. You did not leave the ground, you say ?

A. No ; but I took care to keep out of danger as much as possible.

Q. How long were you near Mr. Buxton's house ?

A. I was about an hour within a hundred yards of Mr. Buxton's house.

Q. Did you hear the gentleman at the window say any thing more, than what you have stated ? Did he say nothing to the crowd ?

A. No, he said nothing to them ; but I saw several persons come out of Mr. Buxton's house and speak to the peace officers, but not to the crowd.

Q. What did they say to the peace officers ?

A. I can't tell.

Q. Can you tell the names of any of the peace officers ?

A. I cannot.

Q. Did you not hear any one read from a book to the people ?

A. I did not.

Q. Did you hear any orders given to the soldiers before they rode into the crowd ?

A. I did not.

Q. In what way did they go ?

A. I was a short distance from them, and they seemed at first to go two and two. They rode in amongst the constables.

Q. What did you do then ?

A. When I saw danger approaching, I retired.

Q. How did the Cavalry ride up to the hustings ?

A. I don't know. When the Cavalry passed me, I was twenty-five yards from Mr. Buxton's house, but I immediately retired.

Q. At what pace did they go ?

A. They cantered rather quicker than they did before. They were cantering when I last saw them.

The WITNESS examined by Mr. HARMER.

Q. Are you sure that the gentleman who addressed the constables spoke from Mr. Buxton's house?

A. I am sure of it.

Q. How far were the constables from the house?

A. They reached to within two yards of it.

Q. Are you sure that the words you mention, are the same as you heard used by the gentleman from the window?

A. I am sure of it.

Q. What sort of a man was he?

A. He was a good looking man.

The CORONER (*to Mr. Harmer*)—This is not the evidence I looked for, and I do not think it is evidence.

Mr. HARMER—You will find, Sir, that it is evidence. It proves that the Cavalry, who were proved to be led by Major Trafford and Mr. Birley, are the same as those who attacked the people.—I shall identify more by and by. The former witness proved that a letter was brought to Mr. Birley, whereupon the Cavalry proceeded towards the meeting; and this witness proves that a person in the house where the magistrates were assembled, was aware of their approach. The inference is, I think, pretty evident; but on this, others are to determine.

Examination of the WITNESS resumed by Mr. HARMER.

Q. Although you did not see any person actually cut, did you see the swords used as if to inflict wounds?

A. Yes. The Yeomanry were waving their swords, right and left, among the people, and several were knocked down; but I could not see whether they were cut or not.

The WITNESS cross-examined by Mr. BARROW.

Q. To whom did you first tell the tale you have now told us?

A. I first told it to Mr. Denison.

Q. Did he take it down in writing?

A. He did not, in my presence.

Q. I ask you again, upon your oath, if he did not take it down in writing?

A. Upon my oath, he did not, in my presence. Another person did.

Q. By whom was it taken down in writing?

A. By Mr. Harmer.

Q. How came you, then, to tell us it was not taken down in writing in your presence?

A. If I did, it was because I did not understand your question. I can tell a plain tale. I am not up to so many querks as you are.—(*A laugh.*)

Mr. BARROW—The Jury will judge of your credibility, after such evasion and contradiction.

Mr. HARMER—That is an improper observation. If such observations be persisted in, I shall reply in a manner which may be unpleasant to such as use them. The witness has not evaded giving an answer to the questions, or contradicted himself.

Cross-examination of the WITNESS resumed by Mr. BARROW.

Q. Has your statement appeared in the newspapers?

A. I know nothing of the matter in newspapers.

Q. Did you see any constables?

A. Yes; I saw a double row, ranged in open column.

Q. Were you ever a soldier?

A. I was a soldier for about five or six weeks. I never wore uniform. I was only a recruit.

Q. Do you know the meaning of the term "open column?"

A. Yes; I have heard it used by many.

Q. Were the words you have mentioned as having been used by the gentleman in Mr. Buxton's house, all that he said?

A. They were all that he said in my hearing.

Q. Was it the same person that came out and spoke to the constables?

A. No; it was another.

Q. What did he say to the constables?

A. I don't know.

Q. How do you know, then, that he spoke to the constables?

A. His mouth was going as if speaking to them. I will not say a word but the truth, if I know it. Many other persons heard him speak to the peace officers. He went amongst them, and appeared to talk to them, and other people did not.

Q. How near were you to Mr. Buxton's, when you heard the gentleman speak from his house?

A. Twenty-five yards.

Q. How do you know the distance so accurate? Did you ever measure it?

A. I have not measured it; but I have stepped it. I go over the ground two or three times every day.

Q. If the Cavalry were using their swords, as you mention, how came you to escape?

A. The reason I escaped is, that I was on higher ground than the Yeomanry.

Q. Did you go to the ground again that day?

A. Yes; I went to look for my mother.

Q. In what state was the field then?

A. The people were removing the planks of the hustings. The soldiers were then galloping through the streets, and driving the people into the houses.

Q. Are you sure that the cheers given by the people to the Yeomanry, were friendly?

A. Yes; for the people were in good humour, but the Cavalry did not appear to me to cheer in good humour; they appeared angry; they looked very pale. I think there was a good deal of intoxication amongst them.

Q. Why do you think so?

A. Because they rolled about on their horses.

Q. Probably they were bad horsemen?

A. Why I don't think they were very good ones. (*A laugh.*)

Q. You did not see any one cut?

A. No: but they appeared to be cutting. I was a good deal frightened, and went away.

Q. Could not others have done the same, and gone away as you did?

A. I knew how to get away better than most of the people assembled.

Q. You say, that you did not see any one actually cut; how came you then to say, that the Cavalry cut in all directions?

A. If I said so, it was because it appeared to me to be so, and I state according to the best of my opinion.

The WITNESS re-examined by the CORONER.

Q. How many persons came out of Mr. Buxton's house to speak to the constables?

A. I only remarked one speaking to the constables.

Q. What became of that person afterwards?

A. After speaking to them a few minutes, he returned to the house.

JOHN FELL called by Mr. HARMER, sworn, and examined by the CORONER.

Q. Where do you live?

A. In Union street, Manchester.

Q. What business are you?

A. A shopkeeper.

Q. What do you know of the death of John Lees?

A. I was present at the meeting on the 16th of August.

Q. What time did you go there?

A. I went there between ten and eleven o'clock, before many people were assembled. I went afterwards near to the hustings. After some time, a double row of constables came on the ground. They formed from the hustings to near Mr. Buxton's house. This induced me to go to the top end of them, to see what was meant by this arrangement. A gentleman said to me (pointing to a window in the second story of Mr. Buxton's house), "there are the magistrates." I looked up, and saw the windows crowded with gentlemen, some of whom I knew. There was Mr. Hay, Mr. Fletcher, and Mr. Wright, and several others.

Q. Well, what then?

A. Soon after, a gentleman (a magistrate, I suppose) came to the window and called out, "the boroughreeve of Manchester is wanted." Some one came from between the ranks of the constables and went *into the house*, but I did not know him. This window was then put down. Some time after this, the window was opened again, and some one called out that Mr. Nadin was

wanted. Nadin came from the passage between the constables, and went into the house.

Q. How far were you from the house when this happened?

A. About three yards.

Q. At what time was this?

A. About the time Mr. Hunt arrived.

Q. Did you see any other person go into the house?

A. Several persons, whom I did not know, passed and repassed the same way. Soon after Mr. Hunt arrived, the people near to where I stood seemed frightened, and began to run. There was a little bustle for a minute or two; but a special constable called out "it is a false alarm."

Q. Who was this special constable?

A. I don't know his name, but another gentleman replied to him, "wait, you'll see something now." Soon after this, Mr. Nadin came out of the house, and went down the ranks of the constables.

Q. Did you hear any thing said from the house?

A. Not, at that time, more than I have mentioned.

Q. What did you further see?

A. Why, shortly afterwards, I heard a bugle sound from the back of Mr. Buxton's house, and presently appeared the Yeomanry Cavalry on the gallop. They halted before the house, brandished their swords, and gave three cheers: then a voice from the window called out, "forward." At that moment they set off amongst the people towards the hustings, cutting the people on both sides of their horses as far as they could reach.

Q. Do you know the person who called out "forward?"

A. I do not.

Q. (*in an angry tone to the witness*)—Are you sober?

A. Those who have known me for the last twenty years, never saw me drunk; and I don't think I am so now.

Q. How many persons were at the window of Mr. Buxton's house?

A. I don't exactly know how many, but there were several.

Q. How far were you from the special constables?

A. I was as near to them as possible.

Q. Did you pass through them?

A. No; people were not allowed to pass through the line.

Q. How many persons stood near you?

A. None in particular, but those who were passing. There might be a dozen.

Q. Were the constables as near to Mr. Buxton's house as you were?

A. Yes.

Q. Do you know the name of any of them?

A. No, I do not.

Q. Where were you standing when you heard the bugle?

A. Near Mr. Buxton's house.

Q. Did you move when the Cavalry came up?

A. No.

Q. How far were they from you?

A. They might be about three yards.

Q. Did you hear any thing read from the front of Mr. Buxton's house?

A. I did not; nor was there any thing read publicly, within forty or fifty yards, I am positive, between twelve o'clock and the time the flying artillery came on the ground. If there had, I must have heard it.

Q. When did the 15th Hussars come on the ground?

A. I believe it might be about ten minutes after the Yeomanry appeared, that the barrack soldiers arrived.

Q. Are you sure that there was nothing read to the people from Mr. Buxton's?

A. I am sure of it. No person's attention was directed to any particular place, as if there was reading.

Q. Did no one from Mr. Buxton's house exhort the people to disperse?

A. No.

Q. How did the 15th come to the ground?

A. The barrack soldiers came one way, and the Yeomanry another, within about ten minutes of each other; the Yeomanry first. The Yeomanry rode amongst the people, cutting their way in all directions before them.

Q. Did they proceed regularly?

A. No, but in a most irregular manner, some trotting, some galloping; they went as they could, cutting their way on both sides of their horses' heads.

Q. Were they near the constables?

A. Some of them might be near the constables, and some not. Many were within reach of their swords.

Q. Did they strike the constables?

A. I could not distinguish.

Q. How near were you to the hustings?

A. I was never nearer than fourteen or fifteen yards. The space between was covered with people. I saw one of the Yeomanry Cavalry, at about fifteen or twenty yards distance from the hustings, take a standard from one of the people; he turned his horse's head, and rode a few yards toward the house, and waved the flag in the air, by way of triumph.

Q. Who was he?

A. I did not know him.

Q. Was there much dust?

A. Some little dust, but not so much as to prevent me seeing that distance.

Q. Did you see the Cavalry when they arrived at the hustings?

A. I did not see them close to the hustings, the crowd was so great.

Q. How far were they from the hustings when you last saw them?

A. About ten or fifteen yards.

Q. How long did you remain in your situation near Mr. Buxton's house?

A. I cannot exactly say.

Q. How far were you from Mr. Buxton's house when the Cavalry passed you?

A. I was within fifteen yards of it.

Q. When did the Cheshire Yeomanry Cavalry come on the ground?

A. The Manchester Yeomanry had scarcely reached the hustings, when the Cheshire arrived. They went straight across the field.

Q. Did you hear any orders given to the 15th Hussars, or to the Cheshire Yeomanry?

A. I did not. The Hussars dispersed themselves in all directions, not in line, and cutting the same as others had done.

Q. Did you see any person cut?

A. I saw one person cut on the back of his head, and I also saw a woman cut near to Peter-street.

Q. Did you see the person who cut them?

A. I did not, but I saw the blood trickling down the back of the man's coat, as he was running.

Q. Who was he?

A. I don't know who he was. He was wounded as he was running away.

Q. Was it one of the Manchester Yeomanry who cut him?

A. I don't know. He was cut near St. Peter's church, as he was running away.

The WITNESS examined by Mr. HARMER.

Q. What was the woman doing when she was wounded?

A. She was running away, I believe.

Q. Did you see the wound inflicted?

A. No, I did not.

Q. Did you see any thing done by the Yeomen near the hustings?

A. Yes; one of them got possession of a flag, which he waved, in triumph, towards the window where the magistrates were.

Q. Were the Manchester Yeomanry the first military that arrived at the hustings?

A. Yes; but they were soon followed by the Hussars, and the Cheshire followed them, and two pieces of artillery brought up the rear.

Q. Did you see the special constables doing any thing?

A. One of them got upon the hustings, took up the President's chair, and beat it about those who remained on the hustings, after Messrs. Hunt and Johnson were taken to Mr. Buxton's, and cleared them all off.

Q. Did you see who led on the Manchester Yeomanry?

A. The trumpeter, and a gentleman, who, I understand, was Mr. Birley.

The WITNESS cross-examined by Mr. BARROW.

Q. Will you swear that you saw any person wounded ?

A. I don't know that I can actually say I saw the cut ; but I saw one man struck with a sword, and bleeding.

Q. By whom was he struck ?

A. I do not know ; but it was one of the Manchester Yeomen ; and I also saw a woman much cut and bleeding ; but I did not see her hurt.

Q. How do you know it was a Manchester Yeoman ; were there not Cheshire Yeomen on the ground ?

A. I know the Manchester Yeomanry by their dress and white facings ; the Cheshire dress is quite different.

Q. Do you know the man who was wounded ?

A. No, I do not ; but I believe he was a stranger to Manchester.

Q. In what numbers did the bodies meet ?

A. Five or six hundred, perhaps.

Q. Had they flags ?

A. Yes ; all the bodies carried flags.

Q. Had they music ?

A. I believe they had.

Q. How many flags were there altogether ?

A. Perhaps fifteen or twenty ; I did not count them.

Q. What inscriptions had they on the flags ?

A. I can't say, particularly ; one had " No Corn Laws."

Q. Did you not see one with " LIBERTY or DEATH " ?

A. I can't say.

Q. Did you not see one with the inscription, " Taxation, without Representation, is cruel and unjust ?"

A. I believe I did.

Q. Were there not a black flag and a green flag, also ?

A. Yes.

Q. Was there not a bloody dagger on one of the banners ?

A. I did not notice any.

Q. Were there not caps of liberty also ?

A. Yes.

Q. How many ?

A. Three or four ; or there might be more.

Q. Where were the flags placed ?

A. All round the hustings.

Q. Was there not music on the hustings ?

A. Indeed there was.

Q. Was there not a great noise ?

A. When a fresh party came, the people shouted.

Mr. HARMER—I thought my opponents meant to rely on the witnesses they were to produce, to give the meeting a different cha-

racter; but if they are to cross-examine my witnesses on the subject, I must necessarily question them.

The CORONER—They are to extract what they can, to show the meeting was illegal. I think *you* are not entitled, because you have not proved who cut John Lees.

Mr. HARMER—What line of inquiry is proper for one side must surely be so for the other; and I understood that I had satisfactorily established that the meeting was peaceable.

The CORONER—You have established nothing of the kind.

Mr. HARMER (*to Mr. Denison*)—Then you had better fill up summonses for all our witnesses.

The CORONER (*to the Witness*)—Who took down your examination?

A. A person of the name of Knight, there is the gentleman (*pointing to Mr. Knight, who sat behind Mr. Harmer*)—He took it down last night.

The CORONER (*to Mr. Knight*)—Have you examined any man lately at some public-house?

Mr. KNIGHT—No, Sir, I have not.

The cross-examination of the WITNESS resumed by Mr. BARROW.

Q. Was the meeting peaceable or otherwise?

A. It was as peaceable and as solemn as at a church.

Q. How many persons might there be assembled?

A. I suppose about fifty or sixty thousand. I never saw so many, or so peaceable.

Q. But there were cheers and applause?

A. Yes.

Q. You have said it was as peaceable and solemn as in a church. Will you swear you ever heard cheers and applause given in a church?

A. Yes, I have.

Q. Did you see the people have sticks?

A. Very few persons had sticks who were on the ground; there were some old men who had them, but there were very few others.

Q. Did you not hear something read near Mr. Buxton's house?

A. No, I did not.

Q. Where was the standard taken, that you speak about?

A. Near Saint Peter's-street.

Q. Can you swear the Manchester Cavalry did more than strike with the flat side of their swords?

A. Yes; it was not with the flat side; they cut straight down.

Q. Did they all do this?

A. Yes; they all used their swords in the same way, and they were in such confusion as I never before saw.

ANN BOOTH called in by Mr. HARMER, and examined by the CORONER.

Q. Are you married?

A. I am.

Q. What is your husband's name ?

A. Benjamin Booth.

Q. What is he by trade ?

A. A painter.

Q. What do you know of the death of John Lees ?

A. I know nothing of John Lees, but I saw a person wounded on the 16th of August, in the Quakers' Meeting-house-yard ; he was very much wounded ; but I never heard of his death.

Q. What more did you see ?

A. I saw John Hulme cutting at the people in the Quakers'-yard.

The CORONER—I can't take this.

Mr. HARMER—I beg leave to say it is evidence which ought to be taken, because, every person guilty of cutting at the time is answerable for all the deaths which happened ; and the witness, as I understand, will name some who were thus employed ; and if she does, I charge all such with wilful murder, in the particular case now under investigation.

Mr. BARROW—The person named might not be in the field at all. He might have only commenced an attack in the Quakers'-yard, and therefore is not accountable for any death in the field. You might as well inquire into transactions which occurred in any other part of Manchester throughout the day, or at 12 o'clock at night of the 16th.

Mr. HARMER—And I submit I should be entitled to do so, if there was a continuation of the act. But here I am not driven to the necessity of arguing my right to such an extent, because I can prove by other evidence that the person named, was on the field with the general body of the Cavalry.

The CORONER—We have no evidence that this person was on the ground at the time of Lees being wounded. He cannot, therefore, be accountable.

The WITNESS examined by Mr. HARMER.

Q. Did you see the Cavalry come upon the ground ?

A. Yes I did ; and in less than ten minutes this took place.

Q. Did you see them go towards the hustings ?

A. Yes.

Q. Did Mr. Hulme come to the meeting-house-yard in the direction from the hustings ?

A. Yes.

Q. What was he doing ?

A. Murdering his fellow creatures ; I can call it nothing else.

Q. Whom did you see among the Yeomanry, charge and attack the people ?

A. I saw the trumpeter make a charge in Lloyd-street.

The CORONER—I will not allow her to be asked whom she saw charging the people.

Mr. HARMER—I must have this objection noted. I cannot

compel you to take it down; but the law, thank God, may be tried hereafter. If, however, such questions may not be asked, her examination cannot be proceeded in.

The CORONER—Very well, the witness may withdraw.

ELIZABETH FARREN sworn, and examined by the CORONER.

Q. Who are you?

A. I am the wife of James Farren, a velvet-dresser in Lombard-street, Manchester.

Q. Do you know any thing of the death of John Lees?

A. No, I do not.

Q. Then why did you come here?

A. Because I was cut.

Q. Where were you cut?

A. On the forehead (*Here the witness raised her bonnet and cap, as also the bandage over her forehead, and exhibited a large wound not quite healed.*)

The CORONER—I don't mean that, woman. Where were you at the time you were cut?

A. About thirty yards from the house where the Justices were, amongst the special constables.

Q. At what time was this?

A. About a quarter before two.

Q. Were you cut as the Cavalry went to the hustings, or on their return?

A. I was cut *as they were going towards the hustings*. I had with me this child (*showing the child she held in her arms*). I was frightened for its safety, and to protect it, held it close to my side with the head downwards, to avoid the blow. I desired them to spare my child, and I was directly cut on my forehead.

Q. What passed then?

A. I became insensible; and remained so for three hours, and when I came to myself, found I was in a strange cellar.

Q. Did you know any one who was cut near the hustings?

A. No, I do not.

Mr. BARROW—Then I submit that this woman cannot give evidence on this Inquest. She is called to expose facts which come under Lord Ellenborough's Act. She was before the Grand Jury at Lancaster, and her evidence was heard there; (*to the Witness*)—was it not?

WITNESS—Yes; I was before the Grand Jury, and they used me very ill there.

Mr. HARMER (*to the Witness*)—What was done at Lancaster has nothing to do with the present inquest. Do you know who wounded you?

The CORONER—Don't answer that, I forbid it.

Mr. HARMER (*to the Coroner*)—You ought to allow the witness to answer this question. She has said that she was wounded as the Cavalry proceeded towards the hustings, and it is no very over-

strained presumption that the person who wounded her, went forward to the hustings, and used his sword when he arrived there.

The CORONER—I have already decided that I will not allow the witness to state by whom she was wounded; and she has not said that he went on towards the hustings.

Mr. HARMER (*to the Witness*)—Now, without mentioning the name of the person who wounded you, was that person proceeding towards the hustings at the time?

The CORONER—I will not allow her to answer any more questions.

Mr. HARMER—I hope the Jury will ask the question. I consider myself entitled, for the reason I have before stated, to ask the name of the man who wounded the witness. Indeed, the Jury have a right to know the names of all the Yeomanry Cavalry on the ground.

A JUROR—Two of us desire to know who wounded the witness.

The CORONER—It is not proper. I decide that it is not evidence, and I say the question is asked for a very different purpose.

Mr. HARMER—Then, Sir, I will ask her, if you please, if she knows any of the Yeomanry who rode up towards the hustings?

The CORONER—I tell you I will not receive this testimony.

Mr. HARMER—Very well, Sir, it will be recollected I have tendered it.

HANNAH CROFT called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. Are you a married or a single woman?

A. I am the wife of Thomas Croft, a sawyer. We live in Windmill-street.

Q. Where were you on the 16th of August?

A. I was looking out of the window, from which I could see the meeting.

Q. Well, what did you see?

A. Why, the people were very peaceable till the soldiers came.

Q. In what house were you?

A. In the third house from the end of Windmill-street, next to Mr. Buxton's house.

Q. Did you see any one hurt?

A. I saw Mr. Ashworth, and another, knocked down, *as the soldiers went to the hustings*.

Q. Did you see any thing particular at the hustings?

A. No, nothing; except that I saw a woman knocked down.

Q. Did you see any thing of John Lees?

A. No, nothing; I saw the Manchester Cavalry riding among the people, and the people falling in heaps.

Q. Why did not the people get away?

A. They tried, but the soldiers rode so hard that they knocked them down before they could get out of the way.

Q. Did you see any one wounded ?

A. Only one man, until the soldiers dispersed the meeting, and then I saw several.

The CORONER—This witness knows nothing of John Lees, or what passed near the hustings. Her evidence is inadmissible.

Mr. HARMER—I can only say, Sir, that she can, if allowed, state many particulars as to the conduct of the military on the field.

NATHAN BROADHURST called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. Were you at the meeting on the 16th of August ?

A. Yes ; I was upon the hustings.

Q. What did you see there ?

A. I saw the Manchester Yeomanry Cavalry come up to the front of Mr. Buxton's house ; they formed in a line ; the people gave three cheers, as I understood by way of friendship. The Cavalry returned three cheers, brandishing their swords over their heads. They filed off to the left, and smartly cantered into the crowd, two trumpeters upon piebald horses leading them. One of them was a tall, thin, dark-complexioned man, whom I know ; he began to cut with his sword, right and left.

Q. Do you know his name ?

A. Yes ; his name is Meagher.

Q. What next took place ?

A. Mr. Hunt asked them what they wanted ? One of the Cavalry men said he had a warrant against him. Mr. Hunt said he would submit to the civil, but not the military power. Then two constables came up ; one of them was Nadin, and they took Mr. Hunt into custody, and pulled Mr. Johnson off the hustings by the legs.

Q. After Mr. Hunt was taken, did the Cavalry go off the ground ?

A. No ; they faced right and left about to the people, and began to cut indiscriminately on all sides.

Q. Why did not the people get away ?

A. It was impossible. They could not ; the mass was so solid they could not save themselves from being cut. The Cavalry cut away, some of them saying, " Damn you, I'll reform you ;— " You'll come again, will you ? " One of them said, " I'll let you know I am a soldier, to-day." When the ground began to be cleared a little, I began to look about for my own safety.

Q. Which way did you go ?

A. I went towards the Quakers' meeting-house, but I found no way of escape there.

Q. Could you not go up Peter-street ?

A. No, I could not ; there were so many soldiers there ; I wanted to get to Mosley-street ; I looked back towards Windmill-street, and ran across the ground ; I picked up a Cap of Liberty ;

one of the Cavalry rode after me and demanded it; I refused to give it up. Two others then came up and asked what was the matter, when the first said, this fellow won't give up this Cap of Liberty. One of the others then said, damn him, cut him down. Upon this, I ran, and giving a spring, scrambled on to the heads of the people. Whilst in this act I was cut at by several of the Cavalry, and one of them cut me slightly on the leg. The crowd was so thick, that I was borne several yards on their heads. When I came upon my feet again, I got towards a narrow opening at the end of Watson-street. Whilst I was near the hustings, the Cavalry cut at men, women, and children. I saw Mr. Hunt struck, and one of the Cavalry cut at Saxton, but his horse seemed restive, and he missed his blow. He then called out to another, "There's Saxton, damn him run him through." The other said, "I had rather not, I'll leave that for you to do." When I got to the end of Watson-street, I saw ten or twelve of the Yeomanry Cavalry, and two of the Hussars cutting at the people, who were wedged close together, when an officer of Hussars rode up to his own men, and knocking up their swords said, "D—n you what do you mean by this work." He then called out to the Yeomanry, "For shame, gentlemen; what are you about? the people cannot get away." They desisted for a time, but no sooner had the officer rode to another part of the field, than they fell to work again. I then made the best of my way to the outside, intending to go to a surgeon to have my leg dressed, as it was bleeding very much.

Cross-examined by Mr. BARROW.

Q. Are you sure that the cheers given by the populace when the military arrived on the ground, were in token of friendship?

A. I thought so. I joined in the cheers, and I know I did it with that feeling.

Q. Did you not say that the Cavalry returned the cheers in enmity?

A. I did not say so. I did not think so at the time, but their subsequent conduct proved it to be so. I did not at the time believe they would hurt us.

Q. What part did you take in the meeting?

A. I assisted in forming the hustings and keeping order about them; that was all my business there.

Q. Did not you shout?

A. Yes; I shouted, depend upon it.

Q. How did you get off the hustings?

A. I was kicked off.

Q. Did you not see the warrant against Mr. Hunt?

A. I saw no warrant; but the persons they came for were taken.

Q. Was you ever a soldier?

A. I have been a soldier in the army fourteen years.

Q. Do you not know that the Hussar officer has denied what you say about him?

A. I don't know which officer it was, nor do I know any thing of the denial. What I have said on that subject is a fact.

Q. Did you return to the ground again that day?

A. I did not that day. I mean the day of the massacre.

A JUROR—(to the Witness)—Did you know any of the Cavalry, whom you saw cutting at the people near the hustings?

A. I only knew Edward Meagher.

The JUROR—(to the Coroner)—I think it essential that we should know the names of the soldiers who came near to the hustings.

The CORONER—You are not to be the judges of that. If he had said any thing touching the death of John Lees, I should have asked him that question.

WILLIAM BUTTERWORTH called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. Where do you live, and what are you?

A. I am a weaver at Slakehill.

Q. Do you know any thing of the death of John Lees?

A. No, your honour.

Q. Do you know of his being wounded?

A. No, I do not, but I was wounded myself.

Q. Where were you when you were wounded?

A. I was near the gates of the Quakers'-chapel, after the hustings were cleared.

Q. Where were you at that time?

A. I was near the hustings when the Cavalry charged, and I ran towards the meeting-house, and was hurt amongst the timber.

Q. Did you see any one whom you knew wounded, near the hustings?

A. I saw the cutting going forwards there, but saw no one I knew wounded. I got away as soon as I could.

Q. Were they the same soldiers who cut you near the meeting-house, that surrounded the hustings?

A. Yes; the same regiment who were cutting at the hustings, pursued us there, and one of them cut me.

The Witness examined by Mr. HARMER.

Q. Do you know who cut you?

A. Yes.

Q. Was it one of those who came from the hustings?

A. Yes.

Q. What is his name?

The CORONER—I will not allow that. (To the Witness)—Did you see the man's face at the hustings to know him?

A. No; I turned my back when I ran away.

The examination of the Witness resumed by Mr. HARMER.

Q. Did the man who cut you say any thing?

A. Yes; we called out "spare our lives," and he said, "damn your bloody lives."

Q. Do you know by which Cavalry you were cut?

The CORONER—This is not evidence. He had not seen the individuals at the hustings; the man who cut him might have come from another street, for aught he knows. I won't allow this; I see what you are after, Mr. Harmer.

Mr. HARMER—You, and Mr. Ashworth, have repeatedly said, that if you acted wrong, I had a remedy, and therefore I tender this evidence for your perusal, that if an application to the King's Bench should be necessary, there may be no question as to the nature of the evidence offered by me, and rejected by you.

The CORONER—You have heard my decision.

Mr. HARMER—Then you refuse to receive the evidence?

The CORONER—I do.

Mr. HARMER—Here is a witness, named Bamford, who tells me he can prove, that the Cavalry who went to the meeting-house, were those who came first up to the hustings. It is true, he has been in court all day, but still that is no objection to his competency.

Mr. BAMFORD—I was present on the hustings, and can swear—

Mr. HARMER—Stop; you cannot be heard until you are sworn.

Mr. BARROW—It is not admissible; he cannot be examined, having been present here, and heard what has been said by the other witnesses.

Mr. HARMER—Do you state that as a lawyer, Sir.

Mr. BARROW—I do: I say it is the practice; I have seen it done twenty times at the Assizes at Lancaster, and the justices here always do it, and I pledge what little legal knowledge I have, that this is the law.

Mr. HARMER—I cannot help saying, Sir, that on this subject Mr. Barrow has very little legal knowledge; and if it be law here, I can only assert, that I have never seen such law in London, and that the laws are very differently administered in the two places. If a witness remains in Court after the Judge's prohibition, it will be the subject of observation, and may go to his credit, but it cannot disqualify him; and see what mischief would result, if Mr. Barrow's doctrine was established?—An adverse witness, or a man who wished to avoid giving evidence, has only to steal into Court, after such an order is made, his evidence is then to be refused, and justice defeated.

The CORONER—I agree with Mr. Barrow, that this is the law, and as the man has been in Court, I will not take his evidence.

Mr. HARMER—This may be law in Lancashire.

The CORONER—(*with great warmth*)—I tell you what, Mr. Harmer, we have as good law in Lancashire, as you have in London, and can see as far through a mill-stone as you, Mr. Harmer.

ALICE KEARSLEY called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. What are you?

A. I am a widow, in Spital-street, Manchester.

Q. Do you know any thing of the death of John Lees?

A. No, I do not.

Q. What then do you know?

A. I only know that I was wounded; I was cut over my ear and into my head.

Q. How far were you from the hustings?

A. About fifty yards from the hustings, towards the church.

Q. Were you ever nearer the hustings?

A. No.

Q. Do you know any thing more?

A. No, I do not; but a man saw the trumpeter give me the blow.

The CORONER—This is not evidence—if she saw nothing done near the hustings I will not hear her.

Mr. HARMER—I cannot alter your determination; (*to the Witness*)—What age are you?

A. I am seventy-one.

The CORONER—What has age to do with the matter?

WILLIAM CHEETHAM called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. What are you?

A. I am a weaver, at Bolton.

Q. Do you know any thing of John Lees receiving any injury on the 16th of August?

A. No, I do not.

Q. Were you on the ground where the meeting was held on the 16th?

A. Yes; I was near the hustings, on the lower side.

Q. Were you ever on the ground before that day?

A. I never was.

Q. How near to the hustings were you?

A. Within twenty or thirty yards.

Q. Were you never nearer than that?

A. Never before the tumult commenced.

Q. Did you see any person wounded near the hustings?

A. No I did not.

The CORONER—Then I shall not take his evidence.

The Witness examined by Mr. HARMER.

Q. Did you see the Cavalry surround the hustings?

A. Yes; the Manchester Yeomanry; they seized Mr. Hunt, and charged upon the people immediately.

Q. Was there any opposition on the part of the people?

A. There was not.

Q. What do you mean by charged?

A. I mean that the Yeomanry galloped over the people.

Q. Were you hurt at all?

A. Yes; I was wounded severely by the trumpeter.

The CORONER—This is not evidence, and I will not hear it ; it has nothing to do with the present inquiry.

Mr. HARMER—I must here submit to your decision ; but, thank God, it is liable to revision in another court.

The CORONER—I consider Mr. Denison leaving the room very indecorous ; he having interviews with the witnesses before they come into the room.

Mr. DENISON—I deny it absolutely, and assert it is a complete falsehood. I would tell the Lord Chief Justice of England so, if on the Bench, and he were to accuse me unjustly.

MARGARET GOODWIN called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. What are you ?

A. I am a widow, and live in Salford.

Q. Did you ever see John Lees ?

A. I never did ; I don't know him.

Q. Were you at the meeting on the 16th ?

A. Yes ; I was situated between Saint Peter's church, and the hustings on that day.

Q. Were you nearer the hustings than Cooper's cottage ?

A. I was.

Q. Where there a great number of people where you were ?

A. It was not very crowded where I stood.

Q. Did you see any people wounded near the hustings ?

A. Yes ; I saw some on the ground, both cut and wounded.

Q. Did you see any person cut at near where you stood ?

A. Yes ; a woman was cut within seven yards of me.

Q. Did you see the wounds of any person ?

A. When they knocked me senseless, I could not see their wounds, of course.

The CORONER—I don't want to hear any more of the matter.

A. I came here to tell all I know.

The CORONER—Yes ; you have a tale ready hatched, no doubt.

The WITNESS—No, Sir ; I wish to tell the whole truth.

The CORONER—I don't want the whole truth.

Mr. HARMER—(to his clerk)—You hear what the Coroner says ; he does not want to hear the whole truth.

Mr. BARROW—At present, Mr. Coroner.

The CORONER—Oh, yes, at present ; but I suppose he will not put that down.

Mr. HARMER—Yes, Sir ; although suggested to you, it shall be put down. I wish nothing to be suppressed.

The WITNESS examined by Mr. HARMER.

Q. Did you see any others wounded besides yourself ?

A. I saw two men wounded near St. Peter's church, on the left hand, and all covered with blood and gore.

The CORONER—If that is all you know, I say again it is no evidence.

The examination of the WITNESS resumed by Mr. HARMER.

Q. By whom were you wounded?

A. Thomas Shelmerdine wounded me on the head.

Q. Where were you going when you were wounded?

A. I was endeavouring to get out of the way.

The CORONER—I still say she is not a competent witness. This is not the case in point.

WILLIAM LEIGH called in by Mr. HARMER, and examined by the CORONER.

Q. What are you?

A. I worked at the factory.

Q. Did you know John Lees?

A. No, I did not.

Q. Do you know any thing of his death?

A. No, I do not.

Q. Then what do you know?

A. I only know of myself being wounded.

Q. Where were you situated when you were wounded?

A. I was close to the hustings, near that side towards St. Peter's church.

Q. How far were you from the hustings?

A. To the best of my knowledge, about six yards.

Q. Did you see any person hurt?

A. I saw one man struck between the shoulders.

Q. Can you swear to that man?

A. I cannot.

Q. What was he struck with?

A. A sabre.

Q. Did you see the wound?

A. I did not; but he made the best of his way off.

Q. Did you see any other person wounded near the hustings?

A. No, I did not.

The WITNESS examined by Mr. HARMER.

Q. Where was the man when he was struck?

A. He was running away.

Q. Who was it struck you?

A. The same Yeoman who struck the man.

Q. What is his name?

A. His name is Charlton.

Q. What coloured clothes had the man on, who was struck?

A. I did not see; for I was alarmed, and turned my head another way.

ANN HAMILTON called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. Where do you live?

A. With my mother.

Q. Well, what do you know of this business?

A. As I was coming from the meeting I was struck by a man, I believe of the name of ——

Q. Stop; do you know any thing concerning the death of John Lees?

A. No, I do not.

Q. At what part of the ground were you situated?

A. Near the hustings.

Q. At what distance from them?

A. About a yard.

Q. What time was it?

A. About half-past one.

Q. Did you see Mr. Hunt?

A. Yes; he was then on the stage.

Q. How long did you remain after Mr. Hunt's arrival?

A. I was there about half an hour from that time.

Q. When did you go away?

A. Not till it was ended.

Q. Did you see the wounds of any one?

A. None, but my own.

Q. Where were you, when you were wounded?

A. I got mine close to the Quakers' chapel.

Q. Did you see any one wounded near the hustings?

A. No, I did not.

Q. How far is the Quakers' chapel from the hustings?

A. About one hundred yards.

The WITNESS examined by Mr. HARMER.

Q. Were you very much alarmed?

A. I was.

Q. Were the people generally running away in great terror and alarm?

The CORONER—I refuse to take any more of this evidence.

Mr. HARMER—Then, Sir, I presume you will not allow me to prove the great anxiety of the people to get away, and the terror they were in, by calling the keeper of a turnpike-gate, near a mile distant from the ground. This man can, I understand, give evidence, that so great was the affright of many of these poor people, that although they had only to pay a penny each, numbers gave shillings and half-crowns, and ran off without waiting for the change.

The CORONER—Certainly not. What, call a witness who was a mile distant?

Mr. HARMER—I think it legitimate evidence. But as you say

you will not receive it, I shall not summon the man to attend here uselessly.

MARTHA ROBINSON called in by Mr. HARMER, sworn, and examined by the CORONER.

Q. What are you?

A. I am the wife of Edward Robinson, of Roger's-row, Manchester.

Q. Do you know any thing of the death of John Lees?

A. No, I do not.

Q. Were you near the hustings on the 16th?

A. No; I was close to the corner of Roger's-row, near Dickenson-street.

Q. How far were you from the Quakers' Meeting-house?

A. About fifty yards.

Q. Could you see any of the soldiers at the hustings?

A. Yes; I saw the trumpeter.

Q. How did you know him?

A. The reason I knew him was, because he was riding a pie-bald horse.

Q. Could you identify any other person?

A. I could not.

Q. Can you tell who was cut?

A. I can't; but I saw the swords falling, and cutting both ways; some persons were cut in the street I live in, but I don't know who.

The WITNESS examined by Mr. HARMER.

Q. Can you identify any of the Yeomanry who you saw attacking the people that day, in or near the field?

A. Yes; I can speak to some who cut several persons in the street where I live.

The CORONER—I shall not take this? What have we to do with what was done by the Yeomanry in another street?

Mr. HARMER—If it was immediately after they came from the field, I think you have—(*to the witness*)—How soon was it after the tumult commenced that they came into your street?

A. Not two minutes.

Q. From whence did they come?

A. Out of St. Peter's field.

Q. Could you name them, if you were allowed?

A. Yes, I could.

The CORONER—I shall not let her name them.

A JUROR—I wish to know if it is competent to any of the Jury to give evidence in the matter of this Inquest?

Another JUROR—There are three of us who wish to give evidence, if we are allowed.

Mr. HARMER—I conceive that you may either of you give information to your brother Jurymen, but you ought not to do it

privately ; if you know any thing concerning your present inquiry, you ought to be sworn and examined in open Court.

The CORONER—Yes ; you must be sworn and examined, like other witnesses.

Mr. DENISON here tendered to the Coroner a quantity of summonses to compel the attendance of witnesses, and requested him to sign them.

The CORONER—How many are there ?

Mr. DENISON—About one hundred.

The CORONER—What, a hundred more ? I suppose you will apply for five hundred the next time.

Mr. DENISON—Probably so, Sir. We shall certainly persist in calling witnesses, so long as it shall be contended that we have not proved the meeting to have been peaceable.

The CORONER—You misused one of my summonses in serving it on Serjeant Gregson : I shall, therefore, take time to consider whether I shall sign these which I now see.

Mr. DENISON—I thought that I had satisfactorily explained our reasons for summoning Gregson. The names of the witnesses are inserted in these precepts, and I now tender them to you. Will you sign them ?

The CORONER—I have already said that I shall take time to consider of it.

Mr. DENISON—Then, Sir, I understand that you will not sign these papers ?

The Coroner made no reply.

Mr. HARMER—Mr. Coroner, I wish to know whether you have seen the body of the deceased ? If not, I respectfully suggest that you do so before the Inquest be concluded, as I presume you know that it is a material part of your duty.

The CORONER—(*After some little hesitation*)—I give no answer.

Mr. HARMER—Am I to understand that you have not seen the body ?

The CORONER—I give no answer.

Mr. HARMER—I wish you to say yes, or no ?

The CORONER—I give no answer.

ADJOURNED TO MONDAY, THE 4TH OF OCTOBER.

Seventh Day.

AT THE SIGN OF THE 'ANGEL, OLDHAM.

MONDAY, OCTOBER 4, 1819.

At half-past nine o'clock this morning, the CORONER entered the Court, accompanied by Mr. FERRAND, junior, his son. He was preceded by Mr. ASHWORTH, Mr. BARROW, Mr. RADLEY, and Mr. COWPER. He was followed by the Jury, who were then called over, and the proceedings of the Inquest were resumed.

The CORONER (*addressing himself to the crowd below the bar, after a pause of some minutes*)—Is there any person here for the *Times* newspaper?

No person answered this interrogatory at first.

The CORONER—If any person is here, in the capacity of a Reporter to that newspaper, I desire he will speak?

Mr. EVANS (*to the Coroner*)—I am here, Sir.

The CORONER (*to Mr. Evans*)—But is there no other person here, as a Reporter to the *Times* newspaper?

Mr. EVANS—I answer for myself only, Sir.

The CORONER—Who is that gentleman who sits on your right hand?

Mr. EVANS—I do not know, Sir.

The CORONER (*to a Reporter who had not appeared at the Inquest on any previous day of its sitting, and who sat at a side table appropriated to the accommodation of the gentlemen who report for the newspapers*)—Who are you, Sir?

The CORONER (*to Mr. Harmer*)—Is he taking notes for you?

Mr. HARMER—No, Sir.

The CORONER (*to the same gentleman*)—Are you reporting for the *Times*?

The REPORTER—I am not under the authority or controul of any Journalist, Sir.

The CORONER—That is not an answer to my question. Are you reporting here for the *Times*?

The REPORTER—I am not under the controul of any Journalist, Sir.

The CORONER—Are you taking notes?

The REPORTER—No; I have had no opportunity of taking notes, Sir.

The CORONER—But you come here for that purpose, you know?

The REPORTER—Will it be any breach of decorum, Sir, for me to speak here?

The CORONER—I will not hear you, Sir.

The REPORTER—Will it be any crime, Sir, for me to take notes here?

The CORONER—Where do you come from?

The REPORTER—From London, Sir.

The CORONER—What is your name?

The REPORTER—What is your reason, Sir, for wishing to know my name?

The CORONER—I have a reason.

The REPORTER—What is that reason, Sir?

The CORONER—No matter what my reason is. I want to know your name?

The REPORTER—I do not know by what authority, Sir, you are entitled to ask my name.

Mr. ASHWORTH (*to the Reporter*)—The Coroner, Sir, is here the Judge of this Court, and he may ask every gentleman who appears here in the capacity in which you appear, what is his name.

The REPORTER (*to the Coroner*)—May I presume, Sir, to ask you, if this is an open Court?

The CORONER—That is no answer, Sir, to my question. Do you not come here to take notes?

The REPORTER—This, I conceive, is an open Court.

The CORONER—I forbid you to take notes.

The REPORTER—Is not this Court open to the public?

The CORONER—I forbid you to take notes.

The REPORTER—This Court is open to the public, and am I not one of the public?

The CORONER—I forbid you to take notes.

The REPORTER—I shall act according to my own discretion.

The CORONER—If, after this, you take notes, I shall desire you to be removed.

The CORONER (*to the Constable of the Township*)—Constable of Oldham, have you any witnesses to be examined, touching the death of John Lees?

Mr. ASHWORTH (*to the Coroner*)—I have just a few words, Sir, that I wish to say, before the evidence is gone into.

The CORONER (*to Mr. Ashworth*)—Very well. But are there any persons in this open Court (as it is now called), who intend to be witnesses? If there are, they must now withdraw.

[*Mr. Robinson, a witness, who had been called by Mr. Harmer on a former day, was now pointed out as being in the room.*]

The CORONER (*to Mr. Robinson*)—You are not to be further examined, I suppose? Because if you have only been examined to part of what you know, and have not given all your evidence, your being in the room will disqualify you as a witness again.

Mr. HARMER—I should say not.

The CORONER—What is it you say, Mr. Harmer?

Mr. HARMER—I wish it not to be taken, Sir, that I acceded to such a proposition as that, the presence of a person in the room during the examination of other witnesses would go to disqualify him from becoming a witness. It might go to his credit, or it might go to affect the validity of his testimony; but it could not disqualify him from becoming a witness.

Mr. BARROW—I say it would. I have heard the Judges rule so at Lancaster.

Mr. HARMER (*to the Coroner*)—Mr. Barrow must be under a mistake. No Judge could rule as he states. It goes to the credit of the witness, and to nothing more.

The CORONER—I say that a witness could not be a witness after he had been in the room, when I have given an order that none of the witnesses should be in the room. I intend to have more of the command of the proceedings here now, than I have before had. And I should like to know who you are, Mr. Harmer, and what business you have here?

Mr. HARMER—I am attending here, Sir, in behalf of the relatives of the deceased, as a prosecutor, and I consider myself in some measure attending here in behalf of the public.

The CORONER—I don't believe you. In my opinion you are not attending here either in behalf of the deceased's relations, or the public; and I think you have introduced yourself into this business improperly and unnecessarily.

Mr. HARMER—I beg your pardon, Sir, I am attending here for the relatives of the deceased.

The CORONER—How can that be, Sir? You have told us before that nobody spoke to you upon the subject, but the step-mother of John Lees. That cannot be called the relations of the deceased.

Mr. HARMER—The father, Sir, has also expressed his wish that I should attend to this inquiry.

The CORONER (*to Mr. Harmer*)—I don't believe you. You have obtruded yourself officiously according to your own statement, and I do not know you. You are entirely a stranger here.

Mr. HARMER—To set the matter right, Sir, I will shew that I am attending here for the relations of the deceased, and I will appeal to the learned counsel (Mr. Ashworth), whether it is not perfectly usual in many instances for professional gentlemen to attend Coroner's inquests in such a capacity.

Mr. ASHWORTH (*to the Coroner*)—Now, Sir, as I am applied to here, and am told that the gentleman (Mr. Harmer) is attending here as a prosecutor, and my experience is called for on this subject, I will give my opinion. I have understood from him, that the law in London, is a law of a superior description, and of a different description.

Mr. HARMER (*to the Coroner*)—I beg leave to say, Sir, that I never used any such words, nor any thing like them.

Mr. ASHWORTH—Mr. Coroner, the gentleman says that he never used any such words, nor any thing like them. I should like to know what it was that he did say?

Mr. HARMER—*(to the Coroner)*—I never stated, Sir, that the law in London was either different or superior to the law in any other part of the kingdom. The criminal law is every where the same; and I said, I hoped to have found that law administered in the same manner here, as it is administered in London.

Mr. BARROW—That is not so. It was stated by Mr. Harmer, that the law in London was different from the law here.

Mr. HARMER—I deny it most positively. I could not have said any thing of the kind.

Mr. ASHWORTH—I was not here. I was told of it by others.—

[Mr. Barrow, and others of the gentlemen round the table, repeated the assertion first made by Mr. Ashworth.]

Mr. HARMER—*(to the Coroner)*—Really, Sir, if this personal altercation is suffered, it will be utterly impossible for this business ever to be got through.

Mr. ASHWORTH—I appeal to the Coroner, whether I am entering into any personal altercation. I only wish to argue as to general doctrines, and surely as to doctrines, and as to opinions, I may be allowed to enter into legal discussion, without mentioning individuals. It does not become a Court of the Jurisdiction which this possesses, and the importance which it holds, to suffer personal altercation to take place, which would interrupt its proceedings. I will never descend to personal altercation myself, but I will always discuss general doctrines, let them be promulgated by whomsoever they may. I have a right to discuss them, and I will discuss them, and let it be clearly understood, that I know nobody here, except as he promulgates doctrines that are to be answered, or which I may think it necessary in the course of my duty to take notice of. Those doctrines, Sir, I will discuss before you, but I trust I shall do it with coolness, and with moderation, and I will not attack any particular person. God knows what has already arisen from individuals being attacked,* and pointed out to the malignity of other people, and it is unnecessary for me to relate what has taken place in consequence of what occurred last Wednesday. It has again given rise to fresh disturbance, and it again agitates, it again draws into a ferment, and it again destroys that peace and union, and that love and affection which ought to subsist between the different classes of society. I find personality is productive of such effects as these. I find it may expose to danger my neighbour's life, and it may expose my friend to be sacrificed; and therefore, I never will be one who will lend myself to personal altercation. But doctrines and opinions which are contrary to

* It is presumed that the learned counsel here alludes to the circumstance of Meagher, the trumpeter of the Manchester Yeomanry, having fired out of his window, between 12 and 1 o'clock yesterday morning, and shot two persons on the alleged ground of being hooted at, and his windows being broken.

the interests for which I am employed, I will contend against; and I do it as a professional man. I am acting as a professional man; I am discharging a public duty; and I will discharge it faithfully, without any personal consideration, whether I am pointed out for assassination or not; and no personal consideration shall ever deter me (even though I should die on the spot), from discharging my duty when called upon to discharge it; but I say, Sir, again, that I never will, as long as I live, nor as long as I am in this Court, have any personal contest with any one here; but I will contest doctrines which I conceive to be unfounded, when I hear them, and when they are reported to me. And now, Sir, I have heard, during my absence from this Court the other day, when I was temporarily confined to my room, from the gentleman who supplied my place—what did I hear, Sir? Why, that the laws of this country were not laws for all the country—that London had one kind of law, and that we poor country idiots were not to be put on a footing with this great oracle from London, because we have another kind of law here. Why, good God, Sir, the law—

Mr. HARMER—I deny, Sir, that I ever said any thing of the kind.

Mr. ASHWORTH—(*resumes*)—I must and will do it, to the end of your sitting here, Sir (*to the Coroner*), if I am to be interrupted. I contend that the law is here founded in reason, in common sense, and in common justice; and I trust the London law is the same. Good God, Sir, what is it that is attempted to be contended for, upon which a certain class of evidence is offered? Why, Sir, this is contended—that every man who was, on the 16th of August, concerned in this attack on the meeting—that every man of the Manchester Yeomanry, who was that day concerned in this attack on the meeting at St. Peter's-field, (for that is the doctrine) was guilty of MURDER!

[*Here some noise interrupted the learned counsel.*]

The CORONER—(*to the Constables*)—If that man (*pointing to the Reporter with whom the first discussion had been held*), is taking notes, put your hand upon him, and take him out of the room.

[*Here the constables proceeded to lay hold of the Reporter, who had a note-book before him.*]

The REPORTER—(*to the Coroner*)—May I take the liberty of asking, Sir, upon what principle it is, that I am to be turned out of this room?

The CORONER—I have no more to say to you, Sir; my order is given.

The REPORTER—Have you any punishment, Sir, to inflict upon a person for having an excellent memory? because some persons are enabled to report quite as accurately from memory, as those who take notes; and therefore I should like to know whether you have any punishment to inflict upon a man for exerting his memory?

The CORONER—Is there any constable there?

[*Here a constable answered.*]

The CORONER—*(to the Constable)*—You have heard my order, do your duty.

[*Here a constable laid his hands upon the Reporter, and was proceeding to remove him from the table at which he sat.*]

The REPORTER—*(to the Coroner)*—I protest against this, Sir.

The CORONER—Sir, my order is given, and shall be obeyed.

The CONSTABLE—*(to the Reporter)*—Now, Sir, you really must retire.

The REPORTER—*(to the Constable)*—What is your name?

The CORONER—*(to the Constable)*—Ask him what is his name.

The CONSTABLE—*(to the Reporter)*—What is your name, Sir?

The Reporter made no answer to this question.

The CONSTABLE—What is your name, Sir?

The Reporter made no answer.

The CORONER—*(to the Constable)*—Never mind, that is enough, take him out.

[*The Constable was here again proceeding to remove the Reporter.*]

The REPORTER—*(to the Coroner)*—This is a public court, Sir, and I wish to know upon what principle it is that you order me out of the room.

The CORONER—I shall answer no questions.

The REPORTER—*(to the Constable)*—What is your name?

Mr. BARROW—*(to the Constable, in a low tone of voice)*—Don't answer.

Mr. HARMER—Here is Mr. Barrow directing the constable not to tell his name.

The REPORTER—*(to the Coroner)*—Am I not to know, Sir, what is the name of the constable? I hear it asserted that Mr. Barrow has told him not to tell his name.

Mr. BARROW—I did not say it out loud.

Mr. HARMER—You said it quite loud enough for me to hear, however.

The REPORTER—*(to the Coroner)*—Upon what principle, Sir, am I turned out of this Court?

The CORONER—I shall restrain you from taking notes.

The REPORTER—But upon what principle am I to be turned out of this Court?

Mr. ASHWORTH—*(to the Reporter)*—Opinions have been taken upon the subject, and I would wish the public to know, that the Coroner is Judge of his own Court; and if a breach be committed of the notification which he has made with respect to taking notes, he has a right to desire the individual who so breaks his notification, should be turned out of the Court.

The REPORTER—*(to Mr. Ashworth)*—But who states that I have taken notes, Sir? I have not taken notes; and surely it is necessary to prove that I have, before I am turned out of the room for taking notes.

The CORONER—It is my direction that you shall not take notes;

if that direction is obeyed, all will be well ; but if not, you will be removed of course.

[*Here the constables laid their hands upon the Reporter, and were again proceeding to remove him with some little violence.*]

The CORONER—(*to the Constables*).—You must use as much force as is necessary to remove him, but no more.

The REPORTER—(*to the Coroner*).—I am not under the authority of any Journalist, Sir. Have you any objection now, to my remaining in the Court ?

Mr. ASHWORTH—(*to the Reporter*).—You may say what you please to appease the Coroner, and to induce him to allow you to remain in the Court ; but he is of competent authority to remove you from the Court, for a breach of his injunction. You may submit to his authority now, and you may try the question hereafter ; the law is open to you, you know.

The REPORTER (*to the Coroner*).—Do you enjoin the whole public from taking notes ?

Mr. ASHWORTH—No man has a right to take notes here.

The REPORTER (*to the Coroner*).—Do you enjoin the whole public from taking notes, Sir ?

The CORONER made no answer.

The REPORTER—I don't see why I should be selected.

Mr. ASHWORTH—I understand the Coroner to say, that you may remain, if you do not take notes.

The REPORTER (*to the Coroner*).—Other gentlemen are taking notes here. All the gentlemen around me are taking notes, and why am I alone selected ? Mr. Ashworth says, no one has a right to take notes.

Mr. ASHWORTH—The professional gentlemen on the one side and on the other may take notes.

The REPORTER (*to Mr. Ashworth*).—But there are gentlemen around me, Sir, who are not engaged professionally on either side, and who are taking notes. Why am I selected in particular ? No one else has been prevented from taking notes.

Mr. ASHWORTH—Yes, there is ; Mr. Ross was prevented.

The REPORTER (*to the Coroner*).—Am I to be turned out of Court, Sir ?

The CORONER made no answer.

Mr. ASHWORTH—I say nothing about it.

The CORONER—I have declared what is to be done, and I desire my directions to be obeyed.

[*Here a Constable laid hands on the Reporter, and entirely removed him from his seat.*]

The REPORTER (*to the Constable*).—What is your name ?

The CONSTABLE—My name is Joseph Chadwick.

The REPORTER (*to the Coroner*).—I have stated, Sir, that I am not under the authority of any journalist whatever. Am I now at liberty to remain in the Court ?

The CORONER—No, you are not.

The REPORTER—I am not going to take any notes.

The CORONER—Are we to remain, Sir, in altercation all day? Constables, do your duty.

The REPORTER—I shall promise you not to take a note.

The CORONER—I shall hear no more.

[*The Constables were here removing the Reporter from the room.*]

The CORONER (*to the Constables*)—He has not told his name.

The CONSTABLE (*to the Reporter*)—What is your name, Sir?

The Reporter here mentioned his name.

The CORONER—Where do you live?

The REPORTER—I live in London.

The CORONER—London is a very extensive place.

The REPORTER—Yes, it is; a very extensive place.

The CORONER—Then tell me in what part of London you live?

The REPORTER—At Peel's Coffee-house.

The CORONER (*after a pause*)—Then you are at liberty to remain here so long as you conduct yourself with decorum.

[*The Reporter was here proceeding to the seat from which he had been removed.*]

The CORONER—But I expect you will not sit at that table.

The REPORTER—Very well, Sir.

The CORONER (*to Mr. Ross, a gentleman retained to report for the Times newspaper*)—Are you taking notes, Mr. Ross?

Mr. ROSS—You told me before, Sir, that my word was not to be believed, and therefore I will not answer your question.

The CORONER—I have had quite trouble enough, and I shall suffer it no longer.

[*Here a gentleman, of the name of BARNES, stood up below the bar, and attempted to address the Coroner in the manner following:*—Will you suffer me, Sir, to address two or three observations to you?

The CORONER (*to Mr. Barnes*)—Who are you, Sir?

Mr. BARNES—I am also connected with the *Times*, Sir.

The CORONER—Then certainly I shall hear nothing you have to say. You were the first to break my orders.

Mr. BARNES—I beg your pardon, Sir; I have broken no order of yours.

The CORONER—You have:

Mr. BARNES—I submit, Sir, that you have no right to prohibit taking notes in this which is an open Court; though you may, perhaps, punish for publishing its proceedings, if you have made any order against such publication.

The CORONER—I will not have so much trouble in this business, I am determined.

Mr. ASHWORTH (*to Mr. Barnes*)—The Coroner has made an order against certain persons taking notes, and that he is determined to abide by. Opinions have been taken upon the subject, and the Coroner has a right to prevent the taking of notes.

Mr. BARNES (*to Mr. Ashworth*)—Will you pledge yourself professionally, Sir, to that?

Mr. ASHWORTH (*to Mr. Barnes*)—Yes; I will pledge myself

that the Coroner has a right to restrain all persons from taking notes.

Mr. BARNES (*to Mr. Ashworth*)—I don't object to the punishment for publishing those notes; but I state that the Coroner has no right to prohibit notes from being taken.

Mr. ASHWORTH—The violation of the Coroner's order has frequently appeared by the newspapers.

Mr. BARNES (*to Mr. Ashworth*)—But do you pledge yourself, Sir, that the Coroner has a right to prevent the taking of notes?

Mr. ASHWORTH (*to Mr. Barnes*)—I do pledge myself then, that he has the right of prohibiting the taking of notes.

Mr. BARNES (*to Mr. Ashworth*)—Then he may turn every body out of the Court, upon the same principle. (*To the Coroner*)—Will you have the kindness to allow me to make one remark, Sir?

The CORONER (*to Mr. Barnes*)—I shall hear no remarks from you.

Mr. BARNES (*to the Coroner*)—I only wish to make one remark, and I hope you will permit me to make it.

The CORONER (*to Mr. Barnes*)—I shall not. I will not be interrupted in the way that I have been. Just after I had inquired if there were any witnesses, this confusion was commenced. (*To Mr. Ashworth*)—Go on, Mr. Ashworth, with what you were addressing to me.

Mr. ASHWORTH (*resumes*)—I was stating, Sir, with respect to the law promulgated by this gentleman (*Mr. Harmer*), which he called London law, that it was founded in the greatest absurdity that could be imagined. London law! What, Sir! that every man who was connected with the business of that day, is either a principal or accessory before the fact or the crime of murder. Though he did no harm whatever to any individual living at that meeting, yet because he was engaged in dispersing that meeting of the 16th, provided there was any single individual at that meeting that was wounded so as to lead to his death, though that individual, so concerned in the dispersing that meeting, was not present when the blow was struck, yet he is guilty of causing that death, and is liable to be tried for the crime of murder. Good God! what a preposterous doctrine is this; and yet it is promulgated to us as London law, and the effect it is intended to have, is at once to put a stop to all discussion, to prevent all argument, and to terminate all objection; and we, poor country people, forsooth, are to take as implicitly correct, what is promulgated to us from any quarter as London law, without daring to open our mouths. Sir, see to what a preposterous length it would go. It would go the length of saying, that the Magistrates, who I avow were concerned in dispersing this meeting; that the special constables, who I avow were concerned in dispersing this meeting; that the 15th Hussars, who I avow were concerned in dispersing this meeting; that the 31st regiment of Foot, who I avow were likewise concerned in dispersing this meeting; and that the 88th regiment of Foot likewise, who I avow were concerned in dispersing this meeting—that the

Jury here, if there is no case brought home to any one individual of being concerned with inflicting the wound that led to the death of the deceased, will be authorised in finding a general sweeping verdict of murder against the Magistrates and against all the Yeomanry (for the Yeomanry, I admit, were also concerned in dispersing this meeting of the 16th of August), and against all those who were assembled on that day for the purpose of dispersing that meeting. That is the doctrine that has been maintained: I repeat it: a verdict of wilful murder is to be found against all the Hussars—

Mr. HARMER (*to Mr. Ashworth*)—Against all who were concerned in the dispersion, I said.

Mr. ASHWORTH (*resumes*)—To be sure—against all who were concerned in the dispersion—against the 31st Foot, and against the 88th Foot, and for the purpose of establishing the objects of the party whoever they may be, who thus interfere in this enquiry. If you, gentlemen, cannot fix the blow that was given to the deceased to any one individual, you are to find a sweeping verdict against all those persons who were concerned in dispersing the meeting. I did before lay down to you the law, which I say is the London law, and the country law, and the law of the whole Realm; and I defy any man to controvert what I state to be the law on this occasion, as connected with this case; and you are sworn to do your duty, and act upon your oaths. Unless you find that there were (and let my words be taken down) some individual or individuals identified by name or by description, who inflicted any blow or blows upon the person of the deceased, or unless you find there were such person or persons near when the blow or blows were inflicted, who were pointed out by the evidence that is given to you, as encouraging, or inciting, or aiding, or assisting in the blow or blows that were so inflicted, you cannot find a verdict of guilty; and that is my law; and that, I say, is the law of the kingdom and of the Realm. That is my law, and I say, you cannot find a verdict of guilty against any body by name, or even by description, unless you find that they were either striking the blow or blows themselves, or encouraging a principal or principals to do it. And therefore, gentlemen, the doctrine, that all those persons who entered the people assembled in Saint Peter's Field, on the 16th of August, for the purpose of putting an end to that assembly—the doctrine, I say, that every one of those, is guilty of the crime of murder, provided John Lees died of some blow given on that day, is a doctrine so preposterous, that no man of common sense, not a lawyer, would maintain for a single moment. Because, what would it lead to? Would you say, that if there was a party concerned, in fact, in any illegal act, and you, as a spectator, came up to the spot where that party was so concerned in that illegal act, but did nothing, either as a principal, or as abetting that particular act so illegally done, ought you, I say, either in common sense or common justice, to be deemed guilty of the capital crime that had been committed, and to be dragged to a prison, immured there, tried, and suffer a public and ignominious death? But that

is the doctrine attempted to be imposed upon you on the present occasion. Because, it is contended, that though persons are doing a separate act, and are not at all concerned in the act, which is the ground of accusation ; though they are doing something else, in some other part, distinct and separate from the place where the particular act is committed ; though they are not at all connected with the death, which is the occasion of this investigation ; still, though they are not connected with it, they must answer with their lives, because they happened to be there. If this is London law, it is neither law nor common sense. It is no law at all ; and I defy any man to produce a single authority to shew that that is the law of the land. As I said before, to bring yourselves to reconcile that to law, you must find the 15th Hussars guilty of wilful murder, as well as every one else who was concerned in dispersing that meeting ; for to my certain knowledge, the 15th Hussars were just as active in dispersing the meeting on that day, as the Manchester Yeomanry ; and you must find the same verdict against the Magistrates, from whom the orders emanated, and who were the moving cause of the meeting being dispersed ; and certainly, by their assent, were very active in dispersing it. You must find the same verdict against the 31st regiment of Foot, and the 88th regiment of Foot ; because it is said that the act of one is the act of all. You must find a verdict of guilty of wilful murder, according to the doctrine promulgated here as London law, against every one of those who were so concerned in the dispersion of this meeting. Good God, Sir ! need I say one word more against such a doctrine ? it is too absurd on the face of it to need refutation. It is too new-fangled a system to be adopted. It is too like many doctrines prevalent at the present day. It is too cruel to be carried into effect, and if carried into effect, it is too cruel not to be abhorred by every living man who entertains a spark of humanity or feeling for his fellow creatures.

Gentlemen, such doctrines, I hope, will be for ever at an end from this time ; and I pledge myself to renounce my argument, if any man will produce me an authority to shew that my opinion is not founded in law. As I said before, the correct doctrine (and I pledge myself to its correctness) is this, that the only person or persons against whom you can give your verdict, is the person giving the blow, or persons aiding and abetting him who did give the blow. Aiding and abetting, how ? Not by being in a different part of the field altogether. Nonsense ! They must be aiding and abetting the person who strikes the blow actually, and they must be present at the time : They must be inciting him—they must be encouraging him—and they must be doing something that induced that person to give the blow. Therefore, this doctrine is a doctrine which, I am sure, you will consider to be quite beside all common sense and common justice ; and your blood would run cold if you thought it was founded upon the laws of this country ; but some object is to be

answered by adducing such evidence. Some object must be in view when this evidence is brought forward. What object is to be answered? Why, I am, perhaps, to be pointed out as the counsel retained in this case, and I am to be murdered. Gentlemen, I say, let me ask what has happened since last Wednesday? That sweeping species of evidence that has been produced as to persons, has evinced its bad effects by an event which has transpired between last Wednesday and the present time. You have heard how one individual has been pursued*—you have heard how he has been execrated—you have heard how public vengeance has been exerted towards him—and you have heard how public hatred has been directed to him. You have heard, indeed, what melancholy effects this sweeping evidence has upon the public mind. It makes one's blood run cold, to consider the effect and consequence of these things, which are done in pursuance of the system that is adopted upon this occasion. It has been decided again and again, that the testimony that is adduced by the gentlemen who conduct some part of this business, is not evidence. The Coroner has declared over and over again, that he cannot receive it, consistent with the law of the land. Still, however, in pursuance of the general design which is to be answered by some foul object, similar testimony is brought forward as often as it is rejected. The Coroner alone, here, I state confidently, is to tell you whether evidence is admissible or inadmissible. He is the Judge of this Court, and that is a part of his duty. The moment he has determined that a certain species of evidence is inadmissible, he becomes amenable to another and a higher tribunal; and his decision becomes the subject of another investigation, provided he has been wrong; and if he acts corruptly, it is a high misdemeanor. But he is the judge, and the exclusive judge of what is evidence here. He is exclusive judge here, I say, though an appeal may be made to a higher tribunal, if his decision be wrong; because courts of justice are open to every one in a country like this, God be thanked; for the judge may be criminal, and ought to be tried for the wrong he does; and, I say, one ought to be thankful that such is the case, because that is a right notion of real liberty; and I admit, that if a person in a judicial situation does wrong, and corruptly wrong; if he acts from an improper motive, he is not protected by his judicial situation, from the punishment of the law, if you can prove his motive is corrupt. As, therefore, his situation involves him in these high penalties if he act improperly; it is quite right the constitution of the country, which renders him amenable to the laws, should consider him, with all this responsibility about him, as the sole judge of what is right to be done in his own court. It does so consider

* It is presumed that the Learned Counsel here again refers to the affair of Meagher, the trumpeter of the Manchester Yeomanry.

him, and he is entitled here to the highest respect. If he conducts himself improperly, he may be brought to justice in another court, and all his proceedings may be declared to be illegal, and if they be so declared, he incurs no light responsibility; and when his public conduct afterwards undergoes a thorough investigation, that, to a man of feeling, is no light punishment. Is not that a matter to be considered? I say it is a matter of the first moment, and of the first importance to a man whose character, whose reputation, and whose peace of mind, depend upon the faithful and conscientious discharge of his duty.

Therefore, the law has wisely said, that a judge shall controul the proceedings of his own court, with these charges and this responsibility attached to his office. What then, I ask, and I ask it from the candour of the gentleman on the other side, can be the object, when the Coroner has incurred this responsibility already, if he be wrong, of bringing forward more of the same species of evidence, when it is decided that it cannot be received? What object can such a line of conduct, by possibility, have? What good purpose can be in view when, after that gentleman has been told such evidence is illegal and inadmissible, he produces witnesses to give the same sort of testimony, *in eternum* and *ad infinitum*? We all know the course that is pursued upon the subject of similar testimony at our assizes. We all know perfectly well, that if a Judge said, that a particular sort of evidence was inadmissible, and the counsel declared that he had no other sort of evidence to adduce, the Judge would say to the Jury, "Gentlemen, the prosecutors have failed in making out their case. They have brought home no case to the individual whom they have charged, and therefore, unless they can bring a case here, supported by witnesses whose testimony is admissible in law, neither our time nor the time of the public is thus to be wasted, by merely beating the air for the purpose of examining witnesses, whose testimony I have decided is inadmissible, according to the established rules of evidence." We, who are in the habit of passing our lives in Courts of Justice, know, and I am sure the learned gentleman on the other side knows quite as well as I do, how often nonsuits are produced in civil cases on this ground, and how often, for the same reason, the Judges in criminal cases decide that the prisoner need not go into his defence at all. Is not this the course the Judges of the land pursue daily? and is it to be insinuated that you, the Coroner, Sir, and the Judge of this Court, are acting so contrary to law, that your decision is not to be at all attended to? As I have said before, if you are wrong, you are amenable to another tribunal, and your conduct will, under the investigation of another court, be liable to correction; but here, surely, your decision ought to be treated with some respect, and some other evidence ought to be produced, than that which has been over and over again rejected, as not being receivable, and as being inadmissible by the Judge of this Court. If there is to be an end for the respect of Courts of Justice—if there is to be an

end to the respect due to those clothed with authority in those Courts—if there is to be an end to the respect due to the laws—if the laws themselves are to be disregarded, I should then consider myself as an out-law to society, and liable to be cut down by the first man who meets me, without his being responsible for that act of outrage. But for God's sake, whatever are our political opinions—whatever are our principles, let us preserve the proper sanctity of a Jury, which is the bulwark of all our rights and liberties. I would not for the world have the character or the respectability of a Jury attacked; and I would not only have them sincerely pure from all blame, but I would have them even beyond the reach of suspicion. Therefore, gentlemen, whatever may be your politics, never lend yourselves to put down the respect due to Courts of Justice. Never let any individuals incite you to do that which the constitution of the Court will not legally permit you to do. Never assume to yourselves the right of judging of the admissibility of evidence, which is the sole and exclusive province of the Judge who sits in this Court. He is the person to decide what is proper evidence to be received, and no evidence can be received but such as the Judge shall deem to be correct and admissible. Therefore, I only say, and I promulgate this doctrine with the greatest confidence, that it is in the breast alone of the worthy gentleman who presides here to-day, to say, such and such testimony is not evidence, or is not receivable in law, and therefore, I will not receive it; and then, gentlemen, it neither becomes me nor any one else, to have testimony continually brought before you, which is not consistent with the legal means of trying the question, or which has been determined to be not the legal means of trying the case under investigation. The gentleman knowing this, and having very considerable experience in Courts of Justice in London, continues to produce evidence, which has been repeatedly declared to be inadmissible. We are not such fools, but we see and hear the decisions of Courts of Law in London, and we have those decisions through the medium of some of these gentlemen themselves, sent to the most remote parts of the country; and therefore, it would, in fact, be a most perilous thing for you to receive evidence which has been deemed to be inadmissible by the Judge of a Court. Now do let me appeal to your candour (*to Mr. Harmer*), to refrain from this course.—What, then, if the Jury cannot receive such evidence as has been deemed inadmissible—What, if the Judge says that he will not receive it, what ought to be the conduct to be pursued on the other side of the question, unless there was some particular and mischievous object in view? The conduct at the time ought to be to protest against the decision of the evidence being illegal—to say that it is legal, but when the Judge has determined it be illegal, if it be legal, this is not the time to call in question the decision; the Judge may have come to that, if it be an improper and illegal determination, and therefore, unless there be some object in view, this course would not be persisted in.

Suppose I, who happened to be on the field that day, thought that it would be consistent with good policy that the meeting should be dispersed. (*Here Mr. Harmer made some remark to Mr. Denison, inaudible to the short-hand writer.*) Don't let the gentleman (*Mr. Harmer*) be so eager. I only put it hypothetically, and I say, if it had so happened, that I thought it would be good policy to disperse that meeting, that might be my opinion upon that subject, and don't let me be taken up so sharp; because I am employed here professionally, and I shall argue nothing but what is consistent with truth and propriety.

I shall not travel out of my course to see what is the political opinion of one man or of another. I need not investigate the gentleman's political opinions. It is a source of irritation. It is of no use. It makes me for a time entertain enmity towards him, and makes him entertain enmity towards me. Why should that be so? I really don't know. Therefore, I shall not travel out of my course to meddle with political opinions, because it can answer no purpose. The gentleman, as I understand, after evidence has been determined to be inadmissible, has been extremely anxious to have names given by the witnesses. Names given of whom?—Why, the names of those who were engaged in the act of dispersing the meeting of the 16th of August.

See the invidious object that is in view by pursuing that course. See the dreadful consequences that are to follow from this selection of names. He does not want names generally, because that will not do. “No; nothing will do; nothing will satisfy my feelings; nothing will satisfy the object I have in view, but the pointing out the names of the Manchester Yeomanry, and the names of them exclusively, who were engaged in dispersing the meeting of that day.”

Why, I am told that these gentlemen are good tempered, good natured, and humane men in private life; and I am told they are men of high respectability in their profession. Then for what purpose can this line of conduct be pursued? What object, or what end, can be contemplated by such proceedings? These gentlemen are told by legal authority, and by competent authority, that this particular species of testimony is not admissible evidence, and still they wish to pursue this course—for what purpose? why, it can be for no other purpose than for a purpose which I dread to mention—to have the names of particular individuals of the Manchester Yeomanry pointed out.

[*Mr. Ross, the Reporter of the Times, here appeared to be again taking notes.*]

The CORONER (*to Mr. Ross*)—Mr. Ross, since I must say you act in so contemptuous a manner towards the Court, it would be improper that you should be suffered to remain any longer in the room—(*to the Constables*). Therefore, Constables, let him be removed out of the room.

[*Here the Constables laid hands on Mr. Ross.*]

Mr. BARNES (*to the Coroner*)—I should conceive, Sir, that Mr.

Ashworth would be anxious that these doctrines should be fairly and accurately promulgated to the public. Do you not conceive, Sir, that it would be for the interest of the public at large, that the proceedings of this Inquest should go out fairly and fully? and how can a true representation of what takes place be published, unless we are suffered to take notes?

The CORONER (*to Mr. Barnes*)—There is no chance of a fair representation being made by the Editor of the *Times*.

Mr. BARNES (*to the Coroner*)—I pledge myself there is, Sir; and I disclaim that sort of imputation.

The CORONER (*to the Constables*)—Remove that gentleman out of the Court.

Mr. BARNES (*to the Coroner*)—I disclaim that imputation, Sir, which you have made against me. I want nothing but justice here, and I disclaim the object that you have imputed to me. I ask, Sir, whether it is not more likely that a fair and impartial report will be made from notes, than from memory?

The CORONER (*to the Constables*)—Remove that gentleman out of the Court.

[*Here the Constables advanced towards Mr. Barnes.*]

Mr. BARNES (*to the Constable*)—I will attend to you presently.—(*To the Coroner*)—Will you tell me, Sir, why I am to be sent out of this Court?

The CORONER—I have issued my orders.

Mr. BARNES—I appeal to this gentleman (Mr. Ashworth) whether he does not think it of the greatest importance that the proceedings of this Inquest should go fairly to the public?

The CORONER—I will hear no more—(*rising*)—I adjourn this Inquest—(*to the Jury*)—Gentlemen, you may go home.

Mr. BARNES (*to Mr. Ashworth*)—I ask you, Sir, whether you do not think that the proceedings of this Inquest ought to be fairly represented before the public. These doctrines which you are laying down are very important, and it is not fit that they should go out to the world incorrectly.

Mr. ASHWORTH (*to Mr. Barnes*)—This gentleman (*the Coroner*) is the Judge of this Court, Sir, and has the sole controul over its proceedings.

Mr. BARNES (*to Mr. Ashworth*)—I am aware of that, and, of course, I am bound here, to submit to the Coroner's decision.

The CORONER—When this Inquest meets again, I will take care that it shall be assembled where it will not be liable to these interruptions.

Mr. BARNES (*to the Coroner*)—I beg leave to say, Sir, that the interruption was not mine.

The CONSTABLE (*to the Coroner*)—Is it your wish that this gentleman (*Mr. Ross*) should be removed?

The CORONER—Certainly.

Mr. BARNES (*to the Coroner*)—If I pledge myself, Sir, not to publish until the proceedings are over: will you allow us to take notes?

The CORONER (*to Mr. Barnes*)—I will not take your pledge.

Mr. BARNES (*to the Coroner*)—But is it not much better, Sir, that the proceedings should be reported from notes, than from memory?

The CORONER (*to Mr. Barnes*)—My opinion is, that the proceedings ought not to go out to the public until after their final result.

Mr. BARNES (*to the Coroner*)—Well, Sir, that shall be also attended to, if you will allow us to take notes.

The CORONER (*to Mr. Barnes*)—No. I made an order in the beginning of these proceedings, declaring, explicitly, that I should not suffer them to be reported until they were finished.—Notwithstanding that order, you, the Editor of the *Times*, were the first to violate it, and published a report, the meaning and reason of which we all know. It was for the purpose of deceiving and prejudicing the public mind, which might be read by persons who may hereafter come to be Jurymen, to try others; and we all know that no person who goes to sit in judgment on another man, should come with his mind prejudiced. He ought never to have heard any thing of the act for which he is going to judge another man. You, I say, have contravened my order; and I say that you deserve great censure, and great animadversion, and heavy punishment, and, so far as it is in my power, I promise you that the Editor of the *Times* shall be punished; and all other people here, who have designedly and intentionally broke my orders.

Mr. BARNES (*to the Coroner*)—I have no objection, Sir, to that; but if you will permit us to take notes, I will promise not to publish until the Inquest shall be terminated.

The CORONER (*to Mr. Barnes*)—No, I will not believe you. I say I am not warranted in taking the promises and pledges of those people who treat me with the greatest contempt. You will make a promise to day, and if you break it, and are to be forgiven to-morrow, there is no end to it. It is, therefore, for the sake of brevity in these proceedings, that I will have no more of this interruption.

Mr. BARNES (*to the Coroner*)—I beg your pardon, Sir, I did not interrupt you, you addressed yourself to me.

The CORONER (*to Mr. Barnes*)—I will hear no more.

Mr. BARNES (*to the Coroner*)—Will you allow me, Sir, to make one remark?

The CORONER—(*to Mr. Barnes*)—No; you have made a great deal too many remarks; and if Mr. Ross gives unnecessary trouble he must be removed out of the room.

Mr. BARNES (*to the Coroner*)—I really believe, Sir, that your object is justice alone; but how can that object be attained, if we are to be prevented from giving a correct account of these proceedings; and if we are to be prevented from taking notes, we cannot give a correct account.

The CORONER (*to Mr. Barnes*)—I have heard what you have said, and my determination is still the same.

[*Mr. Barrow and Mr. Radley here ordered the Constable to remove Mr. Ross from his place. The order was forthwith executed, but Mr. Ross continued to take notes with unremitting assiduity until the moment of his removal.*]

MR. BARNES (*to the Coroner*)—The sole point, Sir, upon which I urge this matter before you is, that our report is much more likely to be correct if made from notes, than from memory.

THE CORONER (*to Mr. Barnes*)—It is more likely to be correct, if you make no report at all. (*To Mr. Ashworth*)—Go on, Mr. Ashworth.

MR. ASHWORTH (*proceeded*)—I was just observing, Sir, that I will appeal to the candour of the gentleman, from whom this doctrine comes, whether it is consistent with the good temper and humanity of these parties. They are parties, I understand, who, before this time, had the reputation of humanity, and had no disposition, I understand, to inflame the public mind. What, then, can be their object in wishing continually to press upon you, Sir, and the Jury, incompetent and inadmissible evidence? What can be the wish of any gentleman, or any number of gentlemen, or any body connected with the plan of giving evidence for the Crown on this occasion, in pursuing this course? What can be their motive, I say, in producing, over and over again, the same evidence, after that evidence has been deemed to be inadmissible? Why, it would seem as if these gentlemen said “We wish to point out, not all the men concerned in the dispersion of the meeting of the 16th, but a particular class of men, a particular body of Yeomanry Cavalry.” Good God, gentlemen, where is this to end—when are such doctrines to cease to be promulgated? It opens a door to the most cruel persecution.—One man was pointed out on Wednesday last, who was on the ground at the time, but a more humane man does not live, much less is he a man inclined to cut and slash, and make use of his sabre for the purpose of murder, as that witness said, who spoke to his person; but I will prove, by testimony, I think, quite as respectable as the evidence of that witness, that all he stated upon that subject is completely false; then what could be the use of pointing out Mr. Birley, as one of the persons who had been particularly active on this occasion, when Mr. Birley never used his sabre? I will prove to you that he held it before him, and never used it at all. Then for what object can this evidence be adduced? For what object, I say, is it? Why, I may answer the question myself. It can be for no other object than that he should be pointed out to be murdered.

[*Here Mr. FINNERTY, a gentleman engaged as Reporter for the Morning Chronicle, stood up, and addressed the Coroner in the manner following:*—“Really, Sir, this is most important. I hope you will allow me to give this contradiction of Mr. Ashworth’s as to the name of Mr. Birley. I submit it to your own judgment that it is most important this should go forth to the public.”]

THE CORONER (*to Mr. Finnerty*)—I request, Mr. Finnerty, that you will not interpose. You have interposed a great deal too

much already. You have interfered with the witnesses after they have left this room, as I know, and I shall not suffer you to make any observations.

Mr. FINNERTY (*to the Coroner*)—I really do not wish to make any observation, Sir; but I submit to you, and to the learned gentleman, Mr. Ashworth, himself, that it is most important this contradiction, with respect to Mr. Birley, should go forth to the public; and it cannot go forth unless you allow me to take notes of it.

The CORONER (*to Mr. Finnerty*)—Mr. Finnerty, hold your tongue; or else if you interrupt the proceedings in this way, you must go out of the Court.

Mr. ASHWORTH (*to the Coroner*)—No order, Sir, that you give can be observed as sacred, unless you are firm in carrying it into execution. It is not for me to interfere in this business; but it is plain, that unless you are firm in carrying into effect the orders you have made, which are necessary for the dignity of the Court, your authority will be of little avail: I trust, therefore, Sir, you will see the necessity of ordering a proper restraint upon those who have already broken your injunctions. I am glad to see the firmness you have just now evinced, but I appeal to your consideration whether the conduct complained of will be repeated in future.

Now, Sir, if I give before you such evidence as will bring in question, in fact, the character of the meeting (if you, as Coroner, are of opinion that I am at liberty to give it), then the gentlemen on the other side, will be at liberty to give evidence to contradict my witnesses upon that point. But let it be understood, Sir, that if I produce evidence as to the character of this meeting, I shall not give it as evidence in this case; but I shall only give it in contradiction of that evidence as to the character of the meeting, which was produced before you previous to my having the good fortune, or, perhaps, I ought to say, the misfortune of coming here. I say the misfortune, Sir, because I think that phrase more applicable, since I have observed the course that is here pursued. I am sorry I was retained here. I did not invite it; and when popular commotion agitates the country, I should be the last man in the world to wish to be a public man. God knows, Sir, I had much rather be quiet and peaceable; and, for heaven's sake, let me be secured in my own unimportance and insignificance (for insignificant I really am), from popular notice. I prefer not to be brought into a public situation of this sort. I do not wish to live on the surface of troubled water, or spend the rest of my days in an element so uncongenial to my disposition, and so unfriendly to my peace. Therefore, I do hope, Sir, that those who conduct this prosecution will no longer inflame their own, or the public mind, by pointing out particular individuals, and, above all things, pointing out a particular body of individuals.

It has been, Sir, a particular body of individuals that have been pointed out. It has been, Sir, a particular body of Yeomanry Ca-

valry against whom all this assiduity is evinced, in order that they may be held up to public hatred and detestation. Why, good God, Sir, were there no other active parties in the field on that day? I was on the field myself; but I will give no evidence upon the subject. There were other parties: these gentlemen know it perfectly well, for it is a matter of public reputation. It does not require any man to come forward to prove that; but then the Coroner has some right to have something to say upon the subject. I am here as an advocate, but I am here subject to be controlled by him, as I should be by the Judge of any other Court; and the Coroner is right in not listening to my suggestions, or the suggestions of any body, when they are incompatible or inconsistent with his own dignity. Then, as he has said that none of this kind of evidence is admissible—as he has determined the law of the subject, that until some case can be gone into, connected with the death of the person, the cause of whose death we are assembled here to enquire, we cannot listen to any other evidence. In this case, I say, no such evidence has been produced by the gentlemen on the other side; and really, in candour, they ought to observe the rule you have laid down for the purpose of preserving the regularity and correctness of this Court, and for the purpose of maintaining the principles of justice. They ought to do this, I say, in order that this case may be conducted as all other cases are in other courts; and if the Coroner is wrong in his determination, recourse may be had, in fact, to a higher tribunal, who will determine whether the Judge of this Court has done wrong in excluding the testimony which has been offered by those gentlemen. But, in God's name, let that question be determined by a Court of higher jurisdiction, if the judgment of the Coroner be doubted, and do not let us have the same evidence foisted upon us continually, which has been over and over again determined to be inadmissible. I never dealt with the Court unfairly, or uncandidly; and I am free to declare, unless this sort of evidence is put a stop to, I must give evidence of a contrary description, that it may not go forth to the public that all which has been said with respect to the character of this meeting, is incontrovertibly true. This course will be absolutely necessary for me to pursue, if the same line of conduct that has hitherto been pursued is still to be adopted; because it has got upon the Coroner's notes, and it has got into the public newspapers, that this meeting was of a description very, very different from that which I shall prove it to be of. It will, therefore, become necessary for me to produce some evidence to contradict the case which has been brought forward. But now I beg leave to disavow giving such sort of testimony, as connected at all with the present case. If I give such evidence at all, it will be by no means evidence connected with the case at present under discussion; but I disavow giving evidence of that sort as at all connected with the case at present under discussion. But I give it, because one description of the character of this meeting has found its way into the public papers, and therefore I must give evidence to show that the meeting was of a

contrary character. Gentlemen, I have now brought myself nearly to a close of what I had to offer to you, and though it is quite clear to me, that you are perfectly aware of the nature of your duty upon this occasion, I will state to you a few words upon the law, as it applies to the question at present under discussion.

Mr. HARMER (*to the Coroner*)—I really, Sir, have abstained as long as possible from interrupting the learned gentleman, least it should be thought that I interrupted him from motives of petulancy ; but this is such a complete address to the Jury, that I feel it my duty to object to its continuance.

The CORONER (*to Mr. Harmer*)—I understand Mr. Ashworth to be addressing me.

Mr. HARMER—I do not know whether you consider him addressing you, or not, Sir, but I believe it is within the knowledge of the gentlemen around me, that he has, over and over again, in his speech, used the term “*gentlemen*.” I believe a more complete demonstration of his addressing the Jury, could not be afforded.

Mr. ASHWORTH (*to the Coroner*)—I do not, Sir, address the Jury intentionally.

Mr. HARMER—But the learned gentleman has addressed the Jury, and I apprehend by law, he cannot be warranted, or authorised for a single moment, in pursuing that course.

Mr. ASHWORTH—Well then I must address the Jury through the Coroner.

Mr. HARMER (*to the Coroner*)—I apprehend, Sir, that course is equally objectionable ; because the learned counsel has no right to address the Jury in any shape whatever.

The CORONER made no reply to this objection.

Mr. ASHWORTH (*in continuance*)—Well, Sir, I will proceed. It is utterly impossible to prevent people writing things abroad, and talking about things which may have no foundation in law whatever, nor any application at all to the real and sole subject which is now under investigation here. But, I submit to you, as a long and old established principle that has never been attempted to be refuted, and which never can be refuted, that no communication can or ought properly to be made to the Gentlemen of the Jury unless through the medium of evidence ; and therefore, if any written communication be made to the Jury by any person whatever, that person is guilty of a high misdemeanour. That person, I say, is guilty of a high misdemeanour, and is therefore liable to severe punishment. If therefore the Gentlemen of the Jury, one or all of them, have received any written communication (which I do not say they have, and I think they know better than to have done so)—but if they have received any private written communication respecting this case, which they have taken into their consideration as part of this case, they also are guilty of a high misdemeanour. But, to be sure, if they did not know they were doing wrong—if they were not acting from any corrupt motive, God forbid I should say that their conduct shewed any intention to pervert justice, or not to act fairly and correctly in the situation in

which they are placed. I do not charge them with improper motives or intentions, because I hope and believe they are incapable of entertaining them ; but if they have received such communications, let me caution them to throw them from them, as poisonous serpents that would sting them ; because they might be induced to act upon the representations of men—of designing men, who would pervert their minds to their own improper purposes, and who would give them evidence in an insidious and improper shape, because they do not choose to subject themselves to a cross-examination—because they can thus tell their story their own way (and happily they can so tell it, for their own sakes), for they are not liable to be contradicted—No cross-examination can take place, and no evidence can be produced to controvert their statement, which is thus insidiously foisted upon the Jury. If the Jury have either individually or collectively received communications of this sort, I pledge myself, that if I detect the person who has made such communications, he shall be subject to a criminal prosecution, and he shall receive the severest punishment the laws of the country can inflict. Now let me tell you (*again to the Jury*), if you have received such communications, and do not publicly declare it, and shew from whom you received them, and explain how you received them, you will be tampering with your oaths, and you will be guilty yourselves of a high misdemeanour. You are sworn to give your verdicts according to the evidence that is produced before you, and if you have received any communications not in the shape of evidence, it is your duty to deliver those communications up, and to declare the quarter from whence you received them.

Really, Sir, I have little more to say upon this subject. I have complained of things which really need alteration, and I might almost say, that this subject has taken up a great deal more time than perhaps was necessary. No one, however, is more averse to contest than I am. I only want to put things upon their fair footing, in point of law, in order, in fact, that we might avoid all contest ; because there is no course by which contest might be so easily avoided, as by proceeding according to the established rules of law. I trust that all of us, both on one side and on the other, have only one object in view, viz. the object of doing justice : and if parties are attempted to be accused of the crime of murder, we never can do justice either to those parties so attempted to be accused, or to any one else, unless we adhere to the strict rules of justice. There is a strict legal mode of investigation which wisdom has pointed out, which the judges of the land have sanctioned, and which the law of the country, from established usage, has said, is the only way of doing justice in a case of this kind. If we wander—if we deviate from that right and well marked course, let it be ever so slight a deviation, we open the flood-gates of innovation, by which we admit an inundation of new doctrines, the termination of which, it is utterly impossible to fix or contemplate. The safest thing in the investigation of all cases, is to abide by that which is the established law on the subject, and not to attempt,

either on the one side or on the other, to adopt a course which is illegal and inadmissible; and, therefore, I am surprised to see such a course adopted upon the present occasion. I am surprised, I say, because I know the gentleman who is concerned against me has had a great deal of practice, and has seen a great many intricate cases decided; and criminal cases, I understand, he has seen conducted without number; and from the character I hear this gentleman bears, I cannot think it is for the sake of any object of his own that he travels out of the regular course which, in my humble conception, ought to be adopted upon the present occasion. I say, that I have been told that gentleman understands the rules of law and evidence as well as any man in the profession, and therefore, whatever may be the dissatisfaction entertained by any body of men, or whoever those men may be who may entertain dissatisfaction upon any political subject, I confess I am surprised to see that gentleman pursuing the course that I have here before you, Sir, so much complained of. I have taken up, Sir, thus much of your time, hoping, in fact, as it respects the Jury, or rather, I should say, as it respects you, to determine the law upon this subject, as far as I am capable. With respect to the evidence that has been attempted to be given, I think I am justified in saying, that it can have no legal object in view to be gratified, and can only have the most mischievous and calamitous effect as connected with the public; and, therefore, as it can have no other object, it must be, I submit, subject to those rules of law, which are laid down as the rules of the law of the land, by which this trial (for so I may call it, without five hundred summonses being applied for at once) must proceed, and, according to determined cases, without such daring (for I can call it nothing otherwise, as it applies to you, Sir)—without such daring attempts at inadmissible evidence—I say, to apply to you for five hundred summonses, to bring before you witnesses of the same description, who are to give to you evidence of the same nature as that which you have over and over again, and repeatedly declared to be illegal. [*Here the learned Counsel's attention was abstracted for a few moments by Mr. Barrow.*] Sir, I would just say another word or two. When you have determined with respect to the evidence adduced by the gentlemen on the other side, that witness after witness who is brought before you, have nothing to do with this case, it is most astonishing that such a course is persisted in. I say, that the right course to adopt would be (and I am sure I never complain of what is right and proper) for this gentleman to tell you, or to say to you, what his witnesses are to prove, or to produce a written account of what each person will say, and then you can determine whether the evidence that is to be given will be admissible or not. If that course were adopted, you would not then be troubled with a long argument as to the admissibility or non-admissibility of his evidence when each witness is called. Therefore, Sir, if I were you, I should say to the learned gentlemen on the other side, “Until you produce to me a written account of what your witness is to say, I cannot suffer my time, and the time of the public, to be consumed by hearing the testimony of witnesses, which I

must strike out of my notes if I were to take it down, because it is inadmissible, and because that testimony is to prove things—is to prove facts, and is to prove something which I have already determined and declared is illegal as testimony here, and inadmissible in evidence.” And here, Sir, never let it be supposed that I am dictating to you what is your duty ; because, I am sure I know too well the respect which is due to you, to do any thing of the kind. I do not flatter you, Sir, when I say that ; but I really think you have a right to refuse summonses altogether, when you have been told, by the persons applying for those summonses, that the witnesses who are summoned are to prove that which is admissible in evidence, but which witnesses, when called, are only capable of speaking to that species of facts which you have repeatedly declared are inadmissible in evidence. I say, Sir, when delusions of this sort are practised upon you, you are not only warranted, but it becomes your duty to refuse summonses altogether. You have a right, Sir, to say that you will grant no more, when you find that you are imposed on. You have a right, I say, to restrain your hand in granting summonses until you find that the witnesses, for whose presence you are thus induced to call, are to prove some specific facts, or are to establish some specific species of evidence, which is really admissible, and which is really legal. You have a right to say, Sir, “I will issue no more summonses ; I will sanction the attendance of no more of your witnesses, until I find the nature of the evidence proposed to be given is such as I can admit according to the rules I have laid down, and until I find that the account of the witnesses who are to be so called is such as I can legally receive in the investigation of this case.” I dare say, from the number of things which we now see before the public, much which I say, is merely considered as said by me in the character of an advocate ; but I declare I will never mislead you, Sir ; and I never will declare solemnly and gravely that to be law, in the character of an advocate, here, which, if I were not to hold that situation, I should not declare to be equally law according to my conception. I will do that, Sir, which will advance the justice of the case, and the justice of the case alone. I declare solemnly, I will not lay down any thing as law before you, which I do not sincerely believe in my conscience to be the established law of the realm ; and if you, Sir, decide, that that is not evidence in law, which I submit, with due deference, here is law, I shall be ready to meet you before another tribunal. I will do that with you, Sir, which I should do with every other Judge against whose decision the interests of my client demanded my exertions.

I would argue it, Sir, before you, I hope with deference, and I hope with the decorum that would become me in arguing such a question in a public Court of Justice ; but if your decision happened to be against me, I would desire you to take a note of my objection, and that note I would hereafter use as I might be advised to use it ; and I would take the objection to your decision respectfully, and in the legal mode of making my exception to it. But,

I would not, Sir, by foisting ten thousand witnesses, whose testimony was inadmissible, attempt to prejudge your decision ; but I would bring the question before the proper tribunal which was capable of correcting, and authorized to correct any decision which you might make, if it were wrong. If at any time the learned gentleman on the other side should take any objection, whatever it may be, so long as it is founded in law, I am sure I shall be most ready to bow to him ; and I trust he will find, from the whole of my conduct, in conducting this case, that I am not conducting it merely as an advocate for a particular cause, but as a man who sincerely wishes from the bottom of his heart to arrive at the real justice of the case.

ARGUMENT IN ANSWER.

Mr. HARMER addressed the Coroner in answer to the argument offered by Mr. Ashworth in the manner following :—

Mr. CORONER—I have often heard it said, Sir, that an advocate never has so great an influence upon the understanding of his audience, as when he possesses them with the idea that he is completely disinterested in the establishment of the argument which he urges. And I never saw an attempt to establish the truth of that maxim so completely exemplified, as by the anxiety evinced upon the present occasion by my learned opponent ; who wishes to be thought the champion only of the cause of truth and justice, and not the advocate of the accused ; but, I trust, Sir, you are too experienced to be misled by this affectation of impartiality. I will not, Sir, endeavour to follow the learned gentleman through the very long speech which he has made, but shall confine myself to answering his legal assertions ; and though, I confess, I have only been capable of catching some few of his prominent points, I trust I shall be enabled to shew with little difficulty, that the law which he has laid down is not very correct, or indeed at all tenable.

I shall not, Sir, presume to put forth my own humble judgment, as others have done, or dogmatically insist on any position ; but I shall read to you, Sir, the law as it is laid down by text writers, and given to us in decided cases. The learned gentleman, who is opposed to me, though he be not near to his own library, has no doubt the libraries of many professional gentlemen, and, indeed, I might say, of all Manchester at his command ; and yet he has not been graciously pleased to favour you with one solitary case, to support the vague arguments which he has promulgated. I have not, Sir, those facilities of reference to law books in this quarter, which he possesses ; but with a little industry, and the kind assistance of a brother attorney, I have collected a few authorities, (the cases referred to in which were in my memory) that will completely refute the doctrines laid down by the gentleman on the other side, and set his law at nought.

The learned gentleman introduced his statements to you, by supposing that it had been said by somebody (and I must take the insinuation to be, that it had been said by me), that the Lon-

don law was different from the country law. I said no such thing. I said, that if the administration of the law here was such as Mr. Barrow pledged himself it was, that then the administration of the law here was different from the administration of it in London; and, I think, I can bring to the recollection of the whole Court, the circumstances under which the observation was made. I tendered to the Court a witness, who, it was stated to me, could prove something which at that moment appeared to be material. I wished that witness, therefore, to be examined, but it appeared that he had been in the room, after your orders, Sir, that no witnesses should be in the room. Mr. Barrow pledged himself that no witness who had been in a Court after the Judge of that court had given such an order, could be heard; and he stated that to be the law as administered here. I stated that such was not the law; and I state so still. I will put this, which is a very probable case. Suppose a witness, whose testimony was of great importance to the question under examination, had not heard such an order delivered, are the public to be deprived of his testimony? Certainly not, Sir. I then said, as I say now, that such a circumstance might go to the credit of the witness, if he had contumaciously disobeyed the order of the Judge; but it can never deprive that witness of his right to give evidence in a criminal case. Mr. Barrow pledged himself that he knew fifty instances of decisions according to his statement.

Mr. BARROW (*to Mr. Harmer*)—No; I said twenty instances.

Mr. HARMER (*to Mr. Barrow*)—Well, Sir, I will take you at twenty instances, and I said, if the law was so administered here, it was differently administered in London.

The learned barrister has supposed me to be so cruel, as to wish to implicate in this charge, every one who was on the field on the 16th of August. I have not been, Sir, so incautious, so absurd, or so unjust, as to attempt any thing of the kind.

Mr. ASHWORTH—I said every one who was acting in the dispersion of the meeting.

Mr. HARMER (*to Mr. Ashworth*)—Just so, Sir, and I will take you at your own words. (*To the Coroner*)—I did wish, Sir, that the persons should be named, who had taken an active part in the dispersion. I say, by law I have a right to have those persons identified, and I hope, Mr. Coroner, that I shall be enabled to convince you, that such is the law of the land. I have seen a great deal of pains used to point out particular individuals, or rather particular classes of individuals, in order to remove that impression, which is certainly pretty prevalent, that the Manchester Yeomanry were the most, if not the only active parties in the field, on the 16th of August. The learned gentleman has said, that the Magistrates, the 15th Hussars, the 88th Foot, and the 31st Foot were also liable to be implicated, if my doctrine was correct. I say, no; I only attempt to impugn those who sacrificed, and never should I impugn those who generously saved. It has been proved already, that one particular private in the Hussars did

save a great many lives on that day, and did prevent a great deal of carnage. Am I, Sir, by the course I am taking, asking a verdict against this brave and humane fellow, or those who adopted similar conduct? No, Sir, I should never think of accusing those as destroyers of the people, who were really their preservers.

Mr. ASHWORTH (*to the Coroner*)—Don't let it be understood, Sir, that I am pointing out any body of men to be accused. I merely stated that, which the learned gentleman alludes to, as the effect of his doctrine.

Mr. HARMER (*resumes*)—My doctrine, Sir, is this; that every person who ordered that meeting to be dispersed, with that dreadful violence which was exerted on that day, and every person who executed such order, which produced the sacrifice of human lives, is guilty of murder.

The CORONER (*to Mr. Harmer*)—And that you are applying to what Mr. Ashworth has said?

Mr. HARMER—Certainly, Sir; Mr. Ashworth said, that this order emanated from the Magistrates.

The CORONER—But he did not mean any thing he said, to apply in any other way, than as a legal argument upon your doctrines.

Mr. HARMER—He did not mean, Sir! Then if he did not mean what he said, let him retract it.

Mr. ASHWORTH—I shall retract nothing.

The CORONER—I shall take what he said to be an argument upon a point of law, as to what you said.—(*To Mr. Ashworth*)—That is so, is it not?

Mr. ASHWORTH—It is, Sir.

Mr. HARMER (*resumes*)—The gentleman has given it to me gratuitously, that the Magistrates *did actually* order the dispersion of the people on the 16th of August last. I did not expect to have had that admission from their own advocate, but I now mean to say, if they did bring in the military, and put those military in action against the people, I implicate them also in this charge.

The CORONER—This is a fresh point.

Mr. HARMER—You see, Sir, that this admission of Mr. Ashworth's is altogether new; and therefore, I wish to make some observations upon it.

The CORONER—But I think you are now introducing fresh law. You are now accusing the Magistrates, which is a fresh charge.

Mr. HARMER—No, I beg your pardon, Sir; I have produced some evidence already, to accuse them, and have still much more to offer; and you may rely I have a reason for every thing I do, and I hope a good one.

The CORONER—And so have I; and I restrained Mr. Ashworth from saying any thing upon such evidence.

Mr. HARMER—I should not have said any thing upon the subject, Sir, unless the learned barrister had put this to me as a question of law. And in answer to the learned gentleman, I un-

hesitatingly state, that if I prove that which he admits, namely, "that the Magistrates did give their orders on this occasion for the dispersion of the meeting by the military," they are equally implicated in this charge with those who inflicted the injuries.

The CORONER—But your law is bad law.

Mr. HARMER—I hope to convince you of the contrary. I presume you will admit, Sir, that those who give the orders, and are present when they are carried into effect, are equally culpable with those who execute those orders.

The CORONER—I do not admit any thing about it.

Mr. HARMER—Well, Sir, I had better not give law from myself, but refer to cases and decisions; and as the learned counsel was not here the other day, when I read a case in *Plowden*, which I conceive to be extremely applicable, I will take the liberty of reverting to it again.

Mr. ASHWORTH (*to Mr. Harmer*)—Read the whole of it.

Mr. HARMER (*to Mr. Ashworth*)—It is long, Mr. Ashworth; but if you wish it, I'll read the whole of it—(*to the Coroner*)—It is in the 1st vol. of *Plowden's Reports*, page 96, and the doctrine laid down and established there was, that although you cannot find the man who actually inflicted the mortal wound, yet you may put those who were present, aiding and assisting, on their trial, if they be found. I understand, Sir, that the doctrine which you here lay down is, that unless I can point out the man whose hand actually inflicted the wound on John Lees, I must not go into evidence to affect any other persons who were aiding and assisting that man. I take leave to say, Sir, that is a decision contrary to the law as laid down by the Judges in this case in *Plowden*. In that case, the only difficulty which existed, and which, in fact, occasioned all the argument upon the subject, was, that the person specifically charged in the indictment as the principal could not be found; and the doubt was, whether they could try principals in the second degree, when the person charged with having inflicted the wound or wounds, was not forthcoming, and the Judges determined that they could.* So here I charge all as principals in the second degree, although I am not able to identify the particular hand which inflicted the wound on John Lees. The next case to which I will call your attention, Sir, is, *Mackally's*.† It is laid down in that case, that "where several are present at the fact and only one actually does it, and the others abet him, in law all did the fact, for in this case all the parties are principals, and the blow of one is, in law, the blow of all." There the Judges held, that an indictment charging all the persons present at the time, as principals, was good, although the blow was only inflicted by one hand.

* For the extent of a Coroner's jurisdiction to enquire with respect to accessaries, vide 1 and 2 of P. and M. cap. 13, s. 5. It seems by the express words of this statute, that he may inquire of accessaries *before* the fact, but cannot inquire of accessaries *after* the fact. 2d Hawkins, 48.

† *The King v. Mackally*, 9 *Coke's Rep.*

Mr. ASHWORTH—(to the Coroner)—I go to the full extent of those two cases which the learned gentleman has cited. They apply to persons actually present, and that doctrine I shall not dispute.

Mr. HARMER—(to Mr. Ashworth)—That admission, Sir, is all I could require, perhaps, for my purpose; but I hope you will go a little further with me—(to the Coroner)—The learned gentleman seems to think, Sir, that it is necessary for all the principals to be present; but in that, he is a little mistaken; for in law, there may be a *constructive* presence; and where a person has given an order, or made the arrangement for the act to be done, which produces death, and then retires out of view, while the mischief is executed, he is still equally culpable and equally a principal—(here Mr. Ashworth smiled).—Does the learned gentleman mean to say that this is not law? He seems to laugh at it, but I challenge him to controvert it.

Mr. ASHWORTH—(to Mr. Harmer)—I was not smiling at you, Sir.

Mr. HARMER (resumed)—Very well. (To the Coroner)—I refer you, Sir, in elucidation of my argument as to constructive presence, to Mr. Justice Blackstone's Commentaries*.—"A man may be principal in an offence in two degrees. A principal in the first degree, is he that is the actor, or absolute perpetrator of the crime; and, in the second degree, he who is present, aiding and abetting the fact to be done, which presence need not always be an actual immediate standing by, within sight or hearing of the fact; but there may be also a constructive presence, as when one commits a robbery or murder, and another keeps watch, or guard, at some convenient distance." Reference has been made, Sir, to the nature of my practice in London, and to my experience in Crown cases. Certainly, I have conducted many criminal prosecutions in London, and in other places, and that circumstance certainly does give me an opportunity of seeing the practice in Crown cases, at the fountain head (if I may be allowed the expression) of the law on such subjects; and every Session at the Old Bailey furnishes us with decisions, which completely support me in the argument I am now urging. For instance, numerous cases for burglary are tried, in which it appears that only one man commits the actual breaking, while his confederates stand at a distance to give warning of the approach of any one who may apprehend or disturb them in the commission of the crime. Still, those who stand at a distance, are as much principals as he who actually breaks the dwelling. And I think there cannot be a stronger case to illustrate the law upon the subject, than the Riot Act itself furnishes.† The Riot Act itself enacts, that a man need not be even an active partizan, to come within its provisions; for if he remain on the

* 4th Black. Com. 34. Foster's Crown Law of Accomplices, cap. 1, sec. 4.

† Vide 1st Geo. I. st. 2, cap. 5.

ground, *passively*, for an hour after the Riot Act has been read, he is amenable as a criminal, and he may be tried for his life; and although he may be thus guilty of a capital crime, the law says, you may *take*, but does not authorize you to *destroy* him; and this is even supposing that the Riot Act had been *read an hour*, while *here*, I say, it was *not* read at all.

The learned barrister has said, that he was present on the field on this memorable day, and he could prove, from his own personal observation, that the 88th, the 31st, and the 15th Hussars, were as active as the Manchester Yeomanry.

Mr. ASHWORTH—I have said that others were there. I did not say that the 88th and 31st were active. I said there were others there, and I said that I could prove, as can many others, that the 15th Hussars were as active as any one else, in dispersing the meeting.

Mr. HARMER (*resumes*)—Will the learned gentleman give evidence? I will not object to him? Will he swear that the 15th Hussars, and the other soldiers, were as active as the Manchester Yeomanry? if so, let him become a witness. I shall not object to the learned gentleman's testimony, if he will give it to the Jury, although he has been present while the other witnesses have been examined.

The CORONER (*to Mr. Harmer*)—This is all wandering away from the question which we are investigating.

Mr. HARMER—I beg your pardon, Sir. I do not conceive it is wandering. The learned gentleman said he could prove this, and I challenge him to the proof of it; and if he did not mean it to have an effect, and to go as something to the Jury, surely he ought not to have said it.

The CORONER—I believe he did not mean it to go to the Jury.

Mr. HARMER—I cannot tell his meaning; but these were his words, Sir. The impression that they were intended to make, and on whom, is too obvious to require explanation. I will now, Sir, request your attention to what is laid down in the 1st vol. of Mr. Hawkins's Pleas of the Crown, p. 105.—“And first, of justifiable homicide, concerning which, I shall premise these general rules. *Sect. 1.* It must be owing to some *unavoidable necessity*, to which the person who kills under it, must be reduced, without any manner of fault in himself.” “*Sect. 2.* There must be no malice coloured under *pretence* of necessity. For wherever a person who kills another, goes, in truth, upon malice, and take occasion, from the pretence of necessity, to execute his own private revenge, he is guilty of murder.”

The CORONER—I do not know what that alludes to. The law is for me to state, after we have gone through the testimony.

Mr. HARMER—But I may be allowed, Sir, surely, to submit this as law to you; and especially, after the delusion into which my learned opponent has endeavoured to involve you as to the law on this subject, I feel I am obliged to do it.

The CORONER—There is not any obligation of the kind, and you are not to address the Jury.

Mr. HARMER—I am not addressing the Jury, Sir; but surely I may be allowed to state what is the law upon the subject, and I am now strictly confining myself to that.

The CORONER—No, you are not. You are discussing whether this defence is made out, which is a question for the Jury; and whether it will turn out to be murder, manslaughter, or homicide, will be for my consideration, and you have no right to interfere.

Mr. HARMER—I really must submit, Sir, that after the very great length to which the learned counsel has addressed you, I have a right to be heard in answer to him.

The CORONER—Well then, as to the doctrines of principals and accessaries, you may go on.

Mr. HARMER—Perhaps, before I proceed further, you would allow me, Sir, to read from the statute upon the subject, that which is laid down to be your duty, as to the inquiries you are to make.

The CORONER—I suppose, Sir, I am quite capable of knowing what my duty is.

Mr. HARMER—I suppose so, Sir, but nevertheless, it may be necessary to read it, as I conceive it would induce you to hear evidence which you now reject.

The CORONER—I rather think it is improper.

Mr. HARMER—I suppose, Sir, you have no objection to its being read, even if you afterwards decline obeying its injunctions.

The CORONER—I will not allow it.

Mr. HARMER—Then, Sir, am I to understand that you will not allow me to read it?

The CORONER—Read it, to whom?

Mr. HARMER—To you, Sir.

The CORONER—I have decided that you are not to read it.

Mr. HARMER—Then I am not to be allowed to read it.

The CORONER—Do you mean to read it as my duty?

Mr. HARMER—Yes, Sir.

The CORONER—Then you shall not read it.

Mr. HARMER—I understand, Sir, that the learned counsel objected to any evidence being given to identify any persons cutting and maiming the people on the field, unless the wounds and blows were applicable to the deceased, and I understand that you sanction that objection?

The CORONER—I beg your pardon; that is directly incorrect.

Mr. HARMER—Very well, Sir. Then I will now call back my witnesses, who can give material evidence to that point. I am ready to go on with evidence as to those who were cutting and maiming the people on the field; we certainly misunderstood you before.

The CORONER—I do not believe you misunderstood me.

Mr. HARMER—Will you then, Sir, be good enough to explain what it was you really meant, when you stopped our witnesses?

The CORONER—The testimony, which you proposed to give, and which I did not think admissible evidence in this case, was what happened in the Quakers' Meeting-house yard, or any other part, but round the hustings.

Mr. HARMER—I misunderstood you, Sir. I understood that the decision was, not to take evidence as to what happened on the field.

The CORONER—No person present could have misunderstood me.

Mr. HARMER—I beg your pardon, Sir; I certainly did misunderstand you. Then I am to understand it to be laid down by you as law, that if fifty persons remain in the avenues leading to a place, exciting and encouraging another person to commit an outrage, and only that one person goes up, and commits that outrage, the other fifty are not to be charged with it?

The CORONER—I do mean to say that.

Mr. HARMER—What, Sir, in the face of this report?—(*holding up Plowden's Reports*).

The CORONER—Yes.

Mr. ASHWORTH (*to Mr. Harmer*)—Now, Sir, you have heard the Coroner's decision. Judas went and hanged himself, and we may say, "go thou and do likewise;" but that is no reason why you should do it.

Mr. HARMER—(*to the Coroner*)—Then now, Sir, we will read this case from *Plowden*, and perhaps you will allow my friend, Mr. Denison, to read it, as I am somewhat exhausted.

Mr. ASHWORTH (*to Mr. Harmer*)—Read the whole of it, then.

[*Mr. Denison now read from the 1st vol. Plowden's Reports, p. 96, a. the case of the King v. Griffith ap David ap John, and others, for the murder of one Oliver, as follows:—*]

"Divers persons of the county of Montgomery, were indicted for killing *Oliver ap David ap Hoel Vaughan*, at Berew, in the county of Montgomery, of malice prepense, viz. some, for giving the wounds whereof he died, and *Griffith ap David ap John*, and others, for that they were present, aiding, comforting, and abetting the others to commit the said murder, and they who gave the wounds to the said *Oliver*, and killed him, had fled and escaped, and *Griffith ap David ap John*, and the rest, were brought to the bar; and whether they should be arraigned, or no, was a doubt; and was moved to the other justices by *Bromley*; for he said to them, that although they who were present and abetting, were *principals*, as well as they who struck the man and killed him, yet they are *principals* in the *second degree*, viz. in respect that the others who struck the said *Oliver*, and killed him, are *principals* in the first degree, by the reason of the act of killing him; and these others, who abetted him, and were present, are also *principals*, but that, in the second degree only, and in respect of the first act, for if the others did not kill the man, then if the said *Griffith*, and the rest who were abettors and present, should be now arraigned, and it should happen, that they should be found

guilty, and afterwards the others who were indicted for giving the stroke and killing the said *Oliver*, should be taken and arraigned, and it should happen, that they were acquitted, as it might be, then I would know your opinions what should be done. For if A. is indicted for the rape of a woman, and B. is indicted for that he was present and abetting A. to do it, now they are both principals by law; and if B. is arraigned and found guilty by Inquest, and afterwards A. is arraigned, and by another Inquest acquitted, now judgment shall not be given against B. because he could not be guilty, but in respect that A. was guilty: and inasmuch as it is found, that A. did not do the fact, then it cannot stand together that B. was present when A. did the fact; for he could not be present at the doing of a thing which was never done, and therefore judgment shall never be given against B., but he shall be acquitted by the other verdict; for if judgment should be given against him, an inconvenience would follow; for it appears to the Judges, that both the verdicts were not true, but one of them was false, and the Court ought rather to believe the verdict which found A. not guilty, than the other, for the Inquest which acquitted A. was charged upon the principal act, viz. whether A. committed the rape or not, and the Inquest charged upon B. was not so fully charged upon the principal point, viz. upon the rape done by A. but was charged, if B. was guilty of the felony whereof he was impeached, that is, if he was present abetting A.: and so doing of the act by A. is not expressly, but inclusive *et oblique*, given in charge to the Inquest charged upon B., and then the verdict which finds that which is not given in charge to them expressly, but by inclusion and implication, shall not be so much believed by the Court in this point, as the other verdict that is charged upon that point only; and therefore judgment shall not be given against A.: and he that procures another to sue to the Court of Rome, shall forfeit as much as he who sues, and is a principal as well as the other, and they are, in equal degree, of *præmunire*; but if both of them were indicted, viz. the one of the act, and the other of the procurement, and he who was indicted of the procurement, was found guilty, and the other, by another inquest, was found not guilty, judgment should never be given against him that procured, because he could not be an offender, but in respect of the offence of the other, and he was a principal in the second degree only (as is said before); and, inasmuch as he, who was a principal in the first degree, was acquitted by inquest, charged upon that point only, he who is in the second degree, and punishable in respect of the first act, shall be also acquitted thereby. And, therefore, consider our present case, for the prisoners now at the bar are offenders and principals, in respect that the others are offenders and principals, and more heinous offenders and principals. And as it seems there are principals in law, and the others who gave the wounds whereof *Oliver* died, are principals in deed, and then, if, afterwards, the principals in deed, being the chief offenders, are acquitted by another inquest, which

finds that they did not strike *Oliver*, nor kill him, how can the prisoners now at the bar be abetting and present to that which was never done? And therefore if it should so happen that we should arraign the prisoners at the bar, who were abetting and present, and that they should be found guilty, and afterwards the other principals should be acquitted (and we ought to believe the acquits the others to be true) consider ye what is to be done. For if we should give judgment that the prisoners at the bar (if it should so happen that they were arraigned and found guilty) should be hanged, and afterwards they should be executed, and then the others, viz. the principals in deed, who were indicted of killing the man, should be acquitted, I would ask you whether we should not have done a great injury to the prisoners now at the bar. And, therefore, it would be well to weigh and consider this matter thoroughly: and the ancient law of the realm was, that they who were present, and abetting others to do the act, were accessories, and not principals, and it was grounded upon the reason I have shewn before, as I apprehend; and therefore you will consider the matter."

[*Here Mr. Denison read the remainder of the case, for which see the proceedings of Saturday last, when it was read by Mr. Harmer*].

MR. ASHWORTH—I have heard enough. Nobody can doubt that that is law.

MR. HARMER (*to the Coroner*)—Then, Sir, according to that law, I submit I am entitled to ask the names of all those coming into the field and exercising violence against the people, as well at a distance from, as around the hustings; and also such as immediately afterwards were actively employed in wounding and assaulting the people. I say also, that, by the statute law of the land, I have a right to inquire who was present, and how many there were culpable, and whether they used actual force; and to examine all who were present, whether man, woman, or child, and of what age soever they be.

THE CORONER—I need not be told that; I see what you are referring to.

MR. HARMER—I am referring to the 3d of Henry II. It, however, seems, Sir, that it was necessary for the Legislature, notwithstanding this statute, to pass another enactment; because some Coroners, it appeared, had grossly neglected their duty, and allowed the former to fall into disuse.

THE CORONER—I desire you will make no reflections.

MR. HARMER—I am making none, Sir, personally to you; I am merely alluding to the recital in the preamble to the act.

[*Mr. Harmer was here proceeding to read the statute of the 48th of Elizabeth.*]

THE CORONER—Stop, stop, Sir. What do you mean by this? I have told you, you are not to read it.

MR. HARMER (*proceeded*)—Sir, then, without reading the Act,

allow me to say, that, by the law, it is to be inquired by this Jury, not only how the deceased came by his death, and who were culpable of the act and the force, but also who were present, and of what age they be (if they can speak and have discretion).

The CORONER—That is true.

Mr. HARMER—And therefore, Sir, I submit, upon what is enacted by this statute, that you are not confined to ask merely, who are the parties aiding and abetting those who actually struck the blows, but you are to inquire of all persons who were there; and I have a right, if I chose, to call upon you, Sir, to issue your summonses to all those persons who were present when the deceased met with his mortal injuries.

The CORONER—Can you find, Sir, either in that statute or any where else, that Mr. Harmer, or any other gentleman, has a right to interfere in an Inquest in the way in which I have suffered him to interfere in this?

Mr. ASHWORTH—I rather think not.

Mr. HARMER—I shall decline making any observations, Sir, because I might say something that some gentlemen might consider offensive; and I wish, if possible, to avoid personal contention.

The CORONER—Your argument has nothing to do with the observation made by Mr. Ashworth.

Mr. HARMER—I beg pardon, Sir. Mr. Ashworth admitted that these orders to disperse the meeting emanated from the Magistrates, and I have a right to offer evidence of their presence, and also to identify every person, whether yeoman or constable, who was present at the time the deceased was wounded.

The CORONER—Well, if you confine your testimony to all who were present when John Lees was wounded, I will receive it; but I will not receive evidence of those who were only seen acting at the Quakers' Meeting-house, which is a hundred yards from the spot where John Lees was wounded, and a long time afterwards.

Mr. ASHWORTH—It is hundreds of yards off, Sir.

The CORONER—Well, I understand that was two hundred yards off, and subsequent to the time when John Lees was wounded.

Mr. HARMER—It was about two minutes after, Sir.

The CORONER—That is what you say.

Mr. HARMER—No, Sir; it is the evidence of one of the witnesses. I asked him how long it was after the Cavalry came on the ground? and he said two minutes. Besides, Sir, when an attack of this kind has been made on the people, I submit that the attention of the Jury is not to be confined to an hour, or two hours, or three hours; but I am at liberty to give in evidence every circumstance connected with this fatal day. I am entitled to prove to the Jury, that some of the Manchester Cavalry were seen coming from the field with their swords bloody, and —

The CORONER—I shall not suffer you to address the Jury so much as you have done. You never address me without addressing the Jury at the same time.

Mr. HARMER—I am sure, Sir, I do not wish to do it.

The CORONER—I do not believe it. You are always referring to the Jury every time you speak to me.

Mr. HARMER—I assure you, Sir, I do not do it designedly ; and it may arise from my not being in the habit of speaking publicly.

The CORONER—You say, then, that you have a right to give evidence of that which was done hours after John Lees was wounded ?

Mr. HARMER—Yes, Sir ; I say it is all one continued act from the commencement ; and if I could trace one of the parties even to the other side of the ocean, I might give in evidence his conduct there, on apprehension. That sort of evidence is constantly admitted in Courts of Justice ; and I say that we are not to be restricted here in our proofs as to an hour, or even as to a day.

The CORONER—This is no trial.

Mr. HARMER—But you are to be guided by the same rules of evidence. Do you say, Sir, that I cannot give evidence of that sort ?

The CORONER—Not before this Jury.

Mr. HARMER—I am respectfully suggesting to you, Sir, not what my opinion is, but what the law is upon the subject ; and I submit, that all evidence connected with the proceedings on the field, on the 16th of August, is admissible.

The CORONER—I said I would receive evidence of what was done round the hustings.

Mr. HARMER—Did you, Sir ? Then, I can only say, I certainly misunderstood you ; for when I asked the witnesses whether they saw the Cavalry cutting near the hustings, you said that was not evidence ; and that I ought to ask them, did they see this individual cut ? The witnesses were asked that question, and they said no ; but they saw the Yeomanry Cavalry cutting the people about the hustings ; which you said was not evidence.

The CORONER—I beg your pardon, Sir ; I said no such thing.

Mr. HARMER—Then I certainly did not understand you, Sir ; for a great many of the witnesses I produced, could prove the manner in which the Manchester Yeomanry were cutting and hacking the people round the hustings, and I must call them back again. Then, Sir, will you, to prevent any future mistake, be pleased to say what you consider to be evidence ?

The CORONER—Nothing that took place in distinct and different parts of the town, and after John Lees was wounded, is evidence.

Mr. HARMER—Am I to understand, Sir, that you will receive the evidence of witnesses who saw the Manchester Yeomanry Cavalry cutting the people round the hustings ?

The CORONER—Yes ; that has been received.

Mr. HARMER—And, Sir, you will receive evidence of their conduct by name ?

The CORONER—Yes, by name.

Mr. HARMER—And of their having attacked the assembly, sword in hand ?

The CORONER—Yes ; I did not restrain you from giving evidence of that before.

Mr. HARMER—Then I certainly misunderstood you, Sir.

The CORONER—You could not misunderstand me.

Mr. HARMER—I beg your pardon, Sir ; I certainly did.

The CORONER—I say that I only restrained you from giving evidence of what was done at a distance from the field, and subsequent to this person being injured. The gentlemen round my table know the same. [*Here the gentlemen round the table assented to the truth of the Coroner's assertion.*] I have asked every witness, and it is down, what he saw in the neighbourhood of the hustings, and as soon as I found that what they had got to say was inadmissible, I would not examine them any further, and this is the way you have served me with almost all your witnesses. I examined them, not knowing what they are to prove, which I ought to be told, and after having taken down a great deal of their testimony, I find that it is not evidence.

Mr. HARMER—I have tendered to you, Sir, the evidence of several of the witnesses in writing, in order that you might see what they could prove.

The CORONER—You tendered the written evidence of some of them, and I said I should not read it, because you did not tender it until after I had examined the witness so far as to convince me that he knew nothing of what happened round the hustings.

Mr. HARMER—Well, Sir, I must call my witnesses over again, and I will call back Davenport first.

The CORONER—But I won't allow you first to call a witness, and then, after you have learned where his testimony is deficient, bring him here again, to make it up.

Mr. HARMER—No, Sir ; I am incapable of any thing of the kind ; nor ought the witnesses to have their characters attacked in that way. I will produce to you the same paper which I handed in before, and you will see that the testimony it contains is admissible evidence, under the rule you have now laid down.

Mr. ASHWORTH (*to the Coroner*)—But I entreat, Sir, before we have any further evidence adduced that I may be allowed to answer the argument of the learned gentleman—and first, Sir, with respect to all the cases that the gentleman has cited, I say they are perfectly separate and distinct from the principle of this case, as the learned gentleman would argue it, and are entirely confirmatory of the doctrines which I had taken the liberty at first to promulgate before you, as the law of the case now under investigation. In this case, Sir, which one of the learned gentlemen read at length, and which was a prosecution for the murder of Oliver, the Judges even went so far as to say, that unless the principals themselves were included in the indictment by name (*by name* I say, because the learned gentleman has said, that it is only necessary to have a description that might lead to their

apprehension); but if the principals are not included by name, the Judges say, that, in as much as the trials of the principals could not take place, that which was merely incidental to their conduct could not be gone into at all. That is the effect of this decision, Sir, and that entirely brings to a focus all I before said. What did I say? Why, I said, shew me a man who actually gave a wound that caused the death of John Lees, and then I will admit you have a right to produce evidence of persons procuring, aiding, and abetting; and you may then shew that there was a party so doing. Aiding and abetting, what? Why, aiding and abetting, not any general object, collateral and beside this object—not aiding and abetting the dispersing this meeting, but aiding and abetting the individual act. In dispersing the meeting the object of murder was not in view. It is perfectly independent of it, and collateral to it altogether; and, therefore, let this gentleman shew me that there is any individual who could be put into an indictment in this case, and who could be proved to have inflicted the blow. If he shews any person by name or by description that inflicted that blow, so that such person can be included in an indictment, and as a principal may be convicted, then he might give evidence of accessories; but if he cannot point out the man who inflicted the blow, then I say he cannot go into that which is incident to, and arises out of the principal's conduct. If they cannot prove who committed the crime, they cannot prove who was inciting or abetting its commission; and that is, in fact, the case this gentleman has cited. Then he next cites *Mackally's* case, which lays down the doctrine with respect to all those who are present at the commission of a crime; but then that case does not sanction the doctrine the learned gentleman would found upon it. For suppose you could frame a general indictment against persons for dispersing the meeting, the persons who merely dispersed the meeting are not to be answerable for all the individual acts that occurred at that meeting; because, suppose I give an order for certain persons to disperse a meeting, I do not necessarily include in that order separate and distinct acts which may be done by those people; and though I am guilty of ordering the thing to be done, if it be guilt to suppress a meeting of this sort, I am not guilty of the individual acts which may be done by the persons who execute my order. However legal it might be that the meeting should be dispersed, there may be, perhaps, acts done in the dispersion which are not legal, and the individuals who commit those acts may be guilty of very improper conduct, and may be prosecuted for it. But still all this goes to the proposition that there must be a principal. Is it not complete nonsense to say that there can be any thing incidental, without a principal thing to which it is incidental? Dear me, Sir, I might reason for ever, and never make the thing clearer, because it is as plain and palpable as possible. Accessories! Nonsense. Shew me a principal, and then

I will accede to the possibility of there being accessaries. Accessaries to what? Why, not to that which was the object here. They must be accessaries to the striking this man. They must be accessaries to exciting and encouraging the striking this man. There must be a particular object, and there must be a principal shewn, before there can be accessaries. The person is not pointed out who struck John Lees. His name has not been fixed upon. Then, how can you try the accessaries, if there are any accessaries to that fact? The very case which this gentleman has cited, shews, that, if the principal be not known, you cannot try the accessaries. But again and again, I say, they must be accessaries to the particular fact. They must be abetting that, which has nothing to do with the dispersion of the meeting. Is the dispersion of the meeting the same fact as the blow or cut, which was given to John Lees? No; it is perfectly distinct; it is perfectly a different object: and I say that the cases cited by the learned gentleman completely bear me out in my argument. He must shew that there is some specific principal who can be pointed out, and then he may shew all the accessaries he likes; but he has not shewn a principal. Then, my dear Sir, he refers to the Riot Act. The stat. of the 1st Geo. I. cap. 5. Why, what does that say? Why, as the learned gentleman truly says, it enacts, that all persons who are present, and who remain upon the ground after the Riot Act has been read one hour, are, in fact, guilty of a capital felony. Could I desire any thing better? Was the Common Law such? Was the law before it such? Was not this statute applicable to the particular crime? Does not the statute shew that there was no such crime before? The offence arises out of this statute independent of the Common Law, or else the statute may be expunged from the statute books; and the Legislature was misemployed, if it enacted a statute to make that a capital felony which the Common Law had before provided for. Though all these persons who were assembled were not guilty of a capital felony, yet they might be guilty of an inferior offence. They were not guilty of the same offence that an assembly would be, which had remained together one hour after the Riot Act was read; and I think it necessary to say, for the information of those present, that the Riot Act has nothing to do with the law of this case. I will tell you why. If that meeting was not illegal, independent of, and unconnected with, the Common Law, the stat. of 1st Geo. I. did not make it so. The only thing that statute does upon the subject is, to make it a capital felony for persons to remain on the ground an hour after it has been read. It is not necessary that the Riot Act should be read, except for that purpose. If a meeting be illegal, (and I say this for the information of the country at large,) that illegal meeting may be dispersed; but the persons who were assembled are not guilty of a capital felony, unless the Riot Act has been read for an hour. And, therefore, so much for what is insisted upon by

the public papers, about the Riot Act, which, I say, with the *real merits* of the case, has nothing in the world to do. If the meeting was illegal, it was illegal independent of the Riot Act, and whether legal or illegal, it was legal or illegal at Common Law. Therefore I state, that the stat. of 1st Geo. I. cap. 5. has no other object but that which is declared on the face of it. It has nothing to do with the constitution of, or the legality or illegality of that meeting, except as to the avowed object of it. [*Here Mr. Barrow whispered to Mr. Ashworth.*] Now, supposing, Sir, as a very ingenious gentleman next to me has suggested, that fifty persons are together in the prosecution of some illegal object, we will say, pulling down a building, and some of them does an act unconnected with the object of the others; for instance, he picks a pocket. Good God, Sir! are the whole fifty guilty of picking the pocket? If they are guilty at all, according to the learned gentleman's argument, they are guilty of aiding and abetting the man who picks the pocket. But I say that it is not so. They can be only guilty of that which pervades the minds of them all; and where one separates his design from the others, and does an act independent of, and unconnected with the object of the others, none of the others can be guilty of that particular act, unless they aid and abet him in it; and the whole of the cases go to that. They must aid the particular object, and my learned friend must shew that these others were accessaries to the cutting this man, and must shew who the principal is, that cut the man, before he can give evidence as to them. The cutting is a particular object, beside the general object, which was dispersing the meeting; and I say that no instructions were given by the magistrates to cut John Lees.

The CORONER—Nor to cut any other person.

Mr. HARMER (*to the Coroner*)—That you know, Sir, is a matter of evidence.

Mr. ASHWORTH—It delighted me very much to hear the gentleman talk of the Riot Act, which, in point of fact, can only favour my argument. Then he cited Blackstone's Commentaries, as to the doctrine of constructive presence, which, in point of fact, I never disputed. In the case of the *Ashcrofts*,* where I was concerned, one man there stood at a considerable distance from the others, while they perpetrated the crime; still he was found to be confederating with the others, because he was upon the watch, and was acting the particular part assigned to him in the transaction; and, therefore, he was found guilty with the others. And so with respect to burglary, whatever part a man performs in the common design, or whatever part he takes, whether it is to watch at a distance, or to carry off the stolen property, or any other

* Here the learned Counsel alludes to some persons who were convicted a short time ago, of a dreadful murder, at Salford.

part, he is just as much a principal, as if he himself were the party that broke open the house. That is the constructive presence alluded to by Mr. Justice Blackstone, but what is the constructive presence that this gentleman talks about? Why, he talks about the constructive presence of a great number of bodies of men, who came into the crowd for a distinct object not at all connected with the infliction of this wound upon John Lees. The wounding John Lees was a separate act. It was an act totally beside the object they had in view, and, therefore, the learned gentleman cannot, in fact, implicate others, until it be proved that there was a principal who did the act, and, in fact, to which the others were parties aiding and abetting. Therefore, I say, that constructive presence can have nothing to do with this question. If, indeed, these men posted themselves here and there to prevent John Lees escaping from the field, whilst another wounded him; then, most decidedly, all are parties to that act, because they are all acting a part in the design, at whatever distance they may be. But was this their object? was this their purpose? or was not their purpose rather the general purpose of dispersing the meeting? It is not with the Manchester Yeomanry in this case, as it was with the accessaries in that case of the murder of Oliver. Here every act must stand on its own foundation, and you cannot receive incidental evidence until you find that there is a principal found. You have not, Sir, upon your notes any principal felon, or any body in the world who could be put in an indictment as a principal felon, contributing to the death of John Lees; and, therefore, when you almost conceded to Mr. Harmer, that he might, in fact, give evidence of all the acts of the Yeomanry, near the hustings, I fancy you must have misunderstood his proposition. If the death of John Lees had been their general object, then, indeed, you might receive evidence of every act that was done by them to accomplish that object; but I submit to you that their general object can have nothing to do with the individual case now before you; because we all know whether their orders were received from the magistrates or not, when the Manchester Yeomanry moved they did not know John Lees was in the crowd. They had not him in view, they did not mean to do any thing to him. The injuries were not in view, and that being an object perfectly distinct from what the Cavalry had in view, I do submit, that the motion of the Cavalry, in the first instance, has nothing to do at all with this act. Then, Sir, as to what was done about the hustings, still that cannot have any thing to do with this inquiry, unless the gentleman can point out the person who injured John Lees. It might accidentally come out, that something or other was done upon a particular spot, under such circumstances as might make it the subject of investigation before a jury. But still my general doctrine as to a principal being produced must apply. [*Mr. Barrow here whispered to Mr. Ashworth.*] But another case is suggested to me by Mr. Barrow, who is attending here as the attorney instructing me.

Supposing, as he states, that one of the Yeomanry Cavalry had been thrown upon the field that day, and had received a dangerous wound, and had been taken to the infirmary, would any one be preposterous enough to say, if any person was called, who had been upon the field that day, to prove what had happened, that he was an accessory? How could he be? If, indeed, before he went to the field he had directed that that particular man should be attacked, then, indeed, he would be an accessory before the fact. But, what is an accessory? Why, according to Mr. Justice Foster's Crown Law, he is a person who incites and moves another to commit a felony. To commit a felony; that means a specific felony, or some facts out of which a felony may be charged; and if it was a general purpose of the persons who went to the ground, that this man should be knocked from his horse, or if it were in the contemplation of the Manchester Yeomanry that John Lees should be attacked, most certainly those would be accessories before the fact who ordered him to be so attacked; but then, Sir, you see that all this has gone upon the assumption that all who were present as this gentleman has said were accessories before the fact.

MR. HARMER—I beg your pardon, Sir, I have not put it that they are accessories. I state that all are principals, some in the first, and others in the second degree.

MR. ASHWORTH—In this case, the principal is only the person who struck the blow, none else can be a principal.

MR. HARMER—Do you mean to say that is law, Sir?

MR. ASHWORTH—I say that there is little or no difference between first and second degree. The person by whose hand the blow is struck is made the principal, but in that nice legal distinction, though the man who strikes the blow is the principal in the indictment, the man is a principal in another degree, as you say who is present.

MR. HARMER—The case in *Plowden* says, that all who are present are principals; and that, I mean to contend, must be the application of the law in the present case. I mean—

MR. ASHWORTH—Stop! stop, Sir, you cannot reply upon me, Sir.

MR. HARMER—But, Sir, if you misrepresent what I say, I must set you right. I say that if magistrates improperly and unjustifiably call in the aid of military, to disperse a meeting legally assembled; that being an unlawful act, if any death ensue, the magistrates are equally culpable with the persons who inflict the wounds; and if they are present when the death is occasioned, they are principals either in the first or second degree. If I could point out the man who struck the blow that occasioned the death, he, I say, is the principal *in the first degree*, while the others who were present aiding and abetting, are principals in the second degree.

MR. ASHWORTH—If, Sir, the magistrates gave orders for the meeting to be dispersed, and any individual act took place uncon-

nected with, and totally distinct from, the dispersion of the meeting, I submit to you, if it is not brought home to the magistrates and the others present, that they aided and abetted the person who struck the individual blow, and who is produced, evidence against persons who were actually present, or were constructively present, cannot be produced. If a person direct a felony to be committed, but it is not necessary in the commission of that felony that death should ensue, if death does ensue, he is not an accessory to that death; but if death is the necessary consequence of his order, he is an accessory before the fact.

I will not, Sir, take up any more of your time in arguing this law, which is, in fact, to me as clear as that two and two make four. It appears to me, Sir, that until the gentleman does produce some evidence, that is to bring home the particular fact that led to the death of John Lees to some person or persons, either by name or description, he cannot pursue the course which he is now pursuing.

The CORONER—I am still of the same opinion as I was before, as to the admissibility of this sort of evidence, and my grounds for that opinion are the same. I think that until somebody is described, either by name or by some other designation, as having committed this act against John Lees, I cannot receive the evidence of other witnesses, who are to prove something that happened so long after that act was committed. I did receive the testimony of one witness relative to what I did not conceive to be evidence, in the expectation that he would prove something which was evidence. If that witness could prove any injury afterwards to John Lees, at or near the hustings, I should have gone on examining him; but he said he could not.

Mr. HARMER—I admit the learned counsel's proposition, that if persons are sent to commit one felony, and they commit another, the person who sent them is not amenable for the felony which they commit. But if in prosecuting an unlawful object any one destroy an individual, they are all culpable.

The CORONER—Not unless it be the necessary consequence of the order, and this was not.

Mr. HARMER—Sir, I submit that if a body of armed men are ordered to charge and disperse an immense multitude of people, as upon the present occasion, it is a necessary consequence of that order, that lives will be sacrificed.

The CORONER—The man to whom I am alluding could not identify any one.

Mr. HARMER—He began stating, Sir, that he could identify some one, though it was not taken down.

The CORONER—Then it was immaterial.

Mr. HARMER—He was stating the names of three magistrates, Sir, who gave the orders to the Yeomanry.

The CORONER—What he said was not evidence.

Mr. HARMER—Then you acknowledge that he said it, Sir?

The CORONER—I don't know that he did.

Mr. HARMER—Well, Sir, I have the testimony of some other persons who know what took place, and I shall tender summonses to you for your signature, in order that those persons may be produced.

The CORONER—Well, as I have been threatened with an inundation of five hundred more witnesses, I think it necessary to stop granting any further summonses. Nearly a month has elapsed from the first meeting of this inquest, and you have had quite sufficient opportunity of collecting all the evidence that was necessary. Another reason why I will not grant any more summonses, is this; one witness has applied to me to be paid, telling me he received his summons from Mr. Harmer, who told him to apply to me for his expences. Another reason why I will not grant any more summonses is, that a summons was tendered to me for my signature, to order the attendance of a man named Gregson, which summons I signed, and when the witness attended, Mr. Harmer said he was not his witness, and that he had nothing to do with him. It turned out that that person was not only in this part of the room, but that he was an evidence summoned by Mr. Harmer, and his name was given to me by Mr. Harmer to put to a summons.

Mr. HARMER—I beg your pardon, Sir, it was Mr. Denison tendered you the name.

The CORONER—Well, it was also proved, that a gentleman had seen the name of that witness in Mr. Harmer's lodgings, at Manchester, and if this is to be the consequence of my granting summonses, I can see no end to it, and I shall get into more difficulty than I can extricate myself from. And, I am told, continually, that the witnesses are my witnesses.

Mr. HARMER—I do say, Sir, that they are the witnesses of you and the public; and, as long as there are any that I think can give important testimony in this case, I shall tender their names to you for summonses.

The CORONER—I shall refuse any more summonses, and you have heard my reason for it.

Mr. HARMER—With respect to Mr. Gregson, Sir, you will allow me to say, that he ought not to have been in that part of the room. You had ordered, Sir, that all persons who were to be witnesses, ought not to be in court. That man turned out to be a witness, whose name had been given to you to summon, and least of all ought he to have been in the room, being one of the Manchester Yeomanry.

The CORONER—I am sorry I must give such a flat contradiction to Mr. Harmer. That man was called by name before he was introduced into the room, and by your request he was called.

Mr. HARMER—I beg your pardon, Sir.

The CORONER—When he was standing here, his name had been called upon as a witness. Somebody had called him, if you had not.

Mr. HARMER—I am quite certain I never called him. I should not have called upon the man at all to be a witness, had I known that he belonged to the Manchester Cavalry. I thought he was merely a servant, and I called upon him to produce the muster roll of the Manchester Yeomanry on the 16th of August, and he would not produce it, or, he said, that he had given it to Major Trafford.

The CORONER—I did not call him. If he was called upon at all, it was for you, and he had not been in the room two minutes. He was your witness.

Mr. HARMER—He was not my witness, Sir. I called upon him to produce the muster roll of the Manchester Yeomanry on the 16th of August, and he said he had given it to Major Trafford. Had I known he was one of the Yeomanry, I should not have summoned him.

The CORONER—You told him to come here.

Mr. HARMER—I think he was here before, Sir.

Mr. BARROW (*to Mr. Harmer*)—I know that he hired a horse, in consequence of your summons.

Mr. HARMER—No doubt Mr. Barrow has had plenty of communications with these persons.

Mr. ASHWORTH—Suppose he has, did you ever know a professional gentleman call witnesses at random, only for the purpose of occupying time?

Mr. HARMER—It is only necessary for me to know, that Mr. Barrow carries on communications with the Manchester Yeomanry, when it is recollected, that he is the attorney that instructs a professional gentleman, who takes such a very prominent part in these proceedings. Fault was found with Mr. Denison for only speaking to one of the witnesses that I produced, while my opponent communicates with witnesses summoned by me.

Mr. ASHWORTH—Because, I heard you say, you did not know what your witnesses were to prove.

Mr. HARMER—I ought not to know it, or to state it, because that would be giving evidence; (*to the Coroner*)—then, Sir, you have declined to call Davenport again?

The CORONER—That witness has been totally examined, and has never said any thing like what you say.

Mr. HARMER—Well, Sir, if that is your decision, I must bow to it.

JAMES MILLS called in, sworn, and examined by the CORONER.

Q. Where do you live?

A. At Oldham.

Mr. ASHWORTH (*to the Witness*)—I would just ask you before you begin—

The CORONER—(*to Mr. Ashworth*)—Stop, Sir, if you please, let me examine him first.

Mr. ASHWORTH—Very well, Sir.

Examination of the WITNESS resumed by the CORONER.

- Q. What trade are you ?
 A. I am a hatter.
 Q. What do you know relative to the death of John Lees ?
 A. I have been in his company once since the 16th of August.
 Q. Where was that, at Manchester ?
 A. No.
 Q. Where then was it ?
 A. At Thomas Fletcher's, at West-ward Inn.
 Q. When was that ?
 A. On the 22nd of August.
 Q. What time was it ?
 A. About twelve o'clock.
 Q. Do you mean twelve o'clock at noon ?
 A. No ; twelve o'clock at night.
 Q. What was he doing there ?
 A. He was in there ; I had been to meet him, and I met him there.
 Q. What was he doing there ?
 A. He was with his company there, drinking.
 Q. How long did he remain there ?
 A. I was not there more than a quarter of an hour, from going in there to coming out.
 Q. Did you leave him there ?
 A. Yes.
 Q. Did you see any thing amiss with him there ?
 A. He complained very much of his wounds.
 Q. What wounds ?
 A. A wound on his elbow, he told me.
 Q. Did you notice any other injury on him ?
 A. He said, he had received a stab on his shoulder, which had cut his coat and his waistcoat, but had not cut his shirt.
 Q. Did he say on which shoulder that was ?
 A. I understood it was on his left shoulder.
 Q. How was he ? Was he in liquor—was he drunk or was he sober ?
 A. He was not drunk. He was freshish ; but he was sober.
 Q. How did he behave whilst he was there ?
 A. I was not long in his company.
 Q. Well, then, you can't tell ; but was that all he said about his wounds at that time ?
 A. Yes. He offered to show me his wound, but I objected to see it.
 Q. Did he appear ill ?
 A. He appeared much as usual, as I have seen him before. He complained much of his wounds.
 Q. Do you mean, when you say he appeared much as usual, that he appeared the same as when you formerly knew him ?
 A. Yes.

Q. How long had you known him ?

A. About six or seven years.

Q. Is that all you know about him ?

A. He told me he had been to Manchester, and how he had received his wound.

Mr. HARMER—Without knowing, Sir, what the witness is going to state, I submit, that what the deceased said to him is not evidence.

The CORONER—I will take it so. I will examine him no more ; but I took it from the girl, on Saturday.

Mr. HARMER—And I protested against it.

Mr. ASHWORTH—As the deceased was not apprehensive of death, what he said at the time was not evidence.

Mr. HARMER—If it was the interest of the learned counsel to contend the contrary of this proposition, I have no doubt he would do it ; and I recollect, Sir, when the witness was examined on Saturday, as to something that the deceased had said, I objected to it, on the ground that I now object to this witness's evidence to the same thing ; but you stated that as it was evidence *against* the deceased, it was admissible.

The CORONER—Yes ; I said that any evidence which would be evidence against him would be admissible ; but, on Saturday, I received this from the girl.

Mr. ASHWORTH—Will Mr. Harmer say that it is evidence ?

Mr. HARMER—No, Sir ; I don't wish it to be received, because I consider it inadmissible.

Mr. ASHWORTH (*to the Coroner*)—I understand the principle upon which you go, Sir, to be, that what a man says under apprehension of death, is evidence ; but as he may say what he likes if he has a hope of recovery, that is not evidence, unless as against himself.

The CORONER—Yes ; that is what I say.

The WITNESS examined by Mr. ASHWORTH.

Q. Has any body been to you, and if there has, mention them by name, if you can, talking to you about the evidence which you were to give on this occasion ?

A. Been to me ?

Q. Yes ; has any body been talking to you about the evidence that you were to give on this occasion ?

A. No, not to me in particular. There was a person came to the Swan, on Wednesday last, and called two or three, and told them not to say any thing concerning the 15th Hussars.

Q. Was that in your presence ?

A. No ; it was not to me.

Mr. HARMER—Then it is not evidence.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Was there a man named Cleggs came to you?

A. No; he did not come to me.

Q. Did he say any thing to you?

A. No; he did not.

Mr. HARMER—Then I object to this evidence altogether.

Mr. ASHWORTH—But he might be employed to go and do it, Sir.

Mr. HARMER—That is entirely a matter of inference for the Jury to draw.

Mr. ASHWORTH—Why, Sir, it is constantly given in evidence, in Courts of Justice. If a person, who is named, has gone to a witness to talk to him about what evidence he is to give, that is evidence; and it is for the Jury to consider whether they will not infer whether there was not an agency.

Mr. HARMER—But, I say, Sir, that what any person said to this witness, or to any others, is not evidence.

Mr. ASHWORTH—Why, Sir, it is constantly admitted; and I am really surprised that the learned gentleman disputes it.

Mr. HARMER—I challenge the learned counsel to produce any instance in which such evidence has been admitted.

Mr. ASHWORTH—I know it to have been admitted on one side.

Mr. HARMER—I hope we are all on one side here.

Mr. ASHWORTH—I say, that as evidence of inculcation, it is admissible.

The CORONER—A witness may be examined as to whether any person has said any thing to him, as to the evidence he is to give.

Mr. HARMER—I venture to say, Sir, that it is not legal evidence.

Mr. ASHWORTH—Well, the Coroner will decide it.

The CORONER—I have frequently known it put to witnesses, both by Counsel and by Judges, whether any body has been tampering with them, or telling them what evidence they must give.

Mr. HARMER—But I will venture to say, Sir, that such conversations as the learned counsel has been alluding to, never were admitted in a Court of Justice; and I challenge him to produce any instance of it.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Has any body been with you about the evidence which you were to give upon this inquiry?

A. No.

Q. Has any body said any thing to you respecting the evidence you were to give?

A. No, nothing to me; nor in my presence.

Mr. HARMER (*to the Coroner*)—I must take leave here to remark, that a most shameful insinuation has been thrown out by Mr. Ashworth, against a person of the name of Cleggs, who is not

here to defend himself, and I submit that such unfounded attacks upon the witnesses ought not to be suffered.

The WITNESS—Somebody called out some of our witnesses from the Swan; but what he said I don't know.

Mr. ASHWORTH—What does he mean by *our* witnesses?

Mr. HARMER—Why, Sir, I presume he means the witnesses who were collected by the Constable of Oldham.—(*To the Witness*)—Is that so?

A. Yes.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. But what passed when these persons were called out, you know not?

A. No.

Q. What time of night was it that you met John Lees at this public-house you have been talking of?

A. It was near twelve o'clock. I was not there above a quarter of an hour, and I met him there.

Q. Did you know any thing of where he had been that day?

A. He told me he had been to Middleton.

Mr. HARMER (*To the Coroner*)—Now, Sir, as it may be said that John Lees was guilty of indiscretion by drinking, which accelerated his death, I am prepared with a case to shew, that though that might be so, still if he died in consequence of the injuries which were inflicted upon him, it is equally murder.

Mr. ASHWORTH—This is all comment.

The CORONER made no answer.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Now in what state was the deceased when you saw him that night?

A. He was freshish.

Q. What do you mean by "freshish?" Was he in liquor?

A. Yes, he was in liquor; but he was not to call drunk.

Q. Did you observe (and now what he did is certainly evidence), did you observe, I say, any thing that he did to another person of the name of Moses?

A. They had some conversation together.

Mr. HARMER—No conversation is evidence.

The CORONER—What did he *do*, is what you are asked.

Mr. ASHWORTH (*to the Witness*)—Did he say he would do any thing?

Mr. HARMER—I object to that.

Mr. ASHWORTH—I submit, Sir, that it is part of the *res gesta*; and the state of health and deportment of the man all relate to the *res gesta*; how he conducts himself is evidence to shew whether he was in good health, or in bad health, or whether his wound was serious. That is part of his conduct. Nothing that he said about his wound, or about who gave it, is evidence; but all he did

afterwards, and all he said he would do, which shews the effect of the wound upon him, is evidence.

Mr. HARMER—I submit that all the deceased said is either evidence or not. You cannot ask what the deceased said for your own purpose, and then exclude what he said if it answers any other purpose; and, I say, that what he said is not evidence, unless he said it under apprehensions of death.

Mr. ASHWORTH—What a man does, or wherever he has been, which shews the effect of the wound upon him, is admissible evidence; and if it has been ascertained from him where he has been, and what he has done, all that is evidence.

The CORONER—Yes, every thing that he did to shew the state of his health, would be evidence.

Mr. ASHWORTH—Yes, Sir; and what he said to any person, as to where he had been and what he did, is evidence.

The CORONER—Yes, as against himself, I say it would be evidence.

Mr. HARMER—I admit, certainly, that if he stated who had inflicted the blow, that is evidence, if he was at that time under the apprehension of death; and I shall insist upon the witness being called who can prove what he said on that subject.

The CORONER—You may insist as you please, and I shall decide as I please.

Mr. ASHWORTH—What he said as to who was the cause of his death, was not said under the obligation of an oath.

Mr. HARMER—Well, Sir; if you will allow me, I will read a section from your own book, if you will be good enough to lend it to me.

Mr. ASHWORTH—Yes, certainly.

[*Here Mr. Ashworth handed to Mr. Harmer, East's Pleas of the Crown, and Mr. Harmer read as follows:*]

“As to what shall be deemed sufficient evidence of the death having happened from any prior injury, it is observable, that though the stroke were not so mortal in itself, but that with good care, and under favourable circumstances, the party might have recovered; yet, if it were such from whence danger might ensue, and the party neglected it, or applied inefficacious medicines, whereby the wound, which at first was not mortal in itself, turned to a gangrene, or produced a fever, whereof he died, the party striking shall answer for it, being the mediate cause of the death.” Now, Sir, this case, I submit, is a complete answer to the attempt made to insinuate, that the deceased died from the bad treatment of his injuries. Mr. Cox was called for the purpose of proving that the deceased might have recovered if he had been properly treated.

The CORONER—He was called for no such purpose.

Mr. HARMER—Then I should be glad to know what he was called for.

The CORONER—Well, I don't care; I have admitted any thing to be told us which John Lees said, which made against him, and

I have said that would be evidence ; but any thing that was favourable, I did not admit, and I have watched the answers for that purpose.

Mr. HARMER—And I have always objected to what he said, being received.

The CORONER—You did not object to it.

Mr. HARMER—Perhaps not, Sir, since you laid down this rule.

The CORONER—You did not object to it, I say ; and you attempted to impose evidence upon me of what he said. I said that if it was evidence against him I would receive it, and you never objected to that.

Mr. HARMER—Certainly, Sir, when you expressed your decision so firmly, I said I must submit to it, but certainly I submitted very reluctantly.

Mr. ASHWORTH—I will state, Sir, what I conceive to be the ground on which it is evidence. It is part of his conduct, to shew the state of his health ; and it will shew that his conduct and health were such, that it is inconsistent to suppose the wound was the cause of the death which afterwards ensued ; and what is the effect of that wound, I submit to you is clearly evidence. Then is not what he said with respect to where he had been, evidence to shew that his conduct was inconsistent with the supposition of the wound being of such a nature as to cause his death ? Any thing that took place, or that he said as to what took place, during the whole interval that elapses, between the reception of the wound, and the time the death takes place, to shew the nature and intent of that wound, I submit to you is evidence fit to be given to the jury, and I am confining myself, in my opinion, strictly within the rules of evidence.

The CORONER—I cannot exactly go the length to say, that any thing which the deceased said as to where he had been is evidence.

Mr. ASHWORTH—I submit, Sir, that what he said he did, is evidence, if it be inconsistent with the wound being likely to produce death.

The CORONER—You can give evidence to shew that he did things which were inconsistent with the wound being a mortal wound ; but we never have had it proved yet, who did give him this wound in his arm.

Mr. ASHWORTH—Now, Sir, suppose I put this extreme case. Suppose he had been to a dozen wakes, day after day, before he died, would not that be admissible evidence to shew, that the wound was not a mortal wound ?

The CORONER—What he did, is certainly admissible evidence to shew that the wound was not of the kind and nature which has been represented ; and the jury may judge whether his acts are consistent with his being mortally wounded ; but I don't know whether his declarations are evidence. They are evidence against himself, certainly.

Mr. ASHWORTH—You see, Sir, if you exclude this, it goes to

the full extent of excluding from the jury any account he gave of his own conduct, which was inconsistent with his being mortally wounded.

The CORONER, (*after a pause*)—I will receive evidence of that nature. I will receive any account he gave of his conduct, tending to shew that he was not mortally wounded.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. What did he say he had been doing the night before?

A. He told me he had been to a wake at Middleton.

Mr. HARMER (*to the Coroner*)—Then, Sir, am I to understand that you have now decided, that any declarations of the deceased, while he was not under apprehensions of death, are evidence?

The CORONER—His declarations will shew what the nature of his wound was, and whether it was or was not of that description from which it was likely that death would ensue.

Mr. ASHWORTH—Certainly, Sir, evidence has been given to shew that this man lay in bed in consequence of his wound, and therefore it must be competent for me to prove his declarations of what he had done, which shew that the wound was not likely to produce death.

Mr. HARMER (*to the Coroner*)—Very well, Sir, I understand this to be your decision ; but I must protest against the reception of any such evidence.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Was there any fighting between John Lees and any one else at the public house that night?

A. No; there were some sharp words between John Lees and another man.

Q. Was that with Moses ——?

A. He had some sharp words ; but it was not to him that he said what you mean about. It was to another man. He said to him, had it not been that his arm was wounded, he should not take what he said to him.

Q. Were his conduct and demeanour, during the whole of the evening, such as would be the conduct of a man who had received a wound of which he thought he was likely to die?

A. Yes, it was.

Q. Now understand my question. Was his conduct like the conduct of a man who had received a wound, which he thought was likely to be the cause of his death?

A. As to that, I have nothing to say. He appeared very well while I was in his company, and we cannot say what a person feels, you know.

Q. But did he complain of any thing?

A. He complained very much of his wounds to me.

The CORONER—You only said “wound” before.

A. Did I not say he had a stab on his shoulder?

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. From what you saw of him that night, did he appear like a man who was likely to die?

A. No, he did not appear any ways likely for death.

The WITNESS cross-examined by Mr. HARMER.

Q. You say, I think, that it was impossible for you to state what John Lees felt, but he complained a good deal?

A. Yes, he complained, but he did not look much different.

Q. Did he look as well as he did before?

A. He looked much as usual to me.

Q. Did he look as hearty and as strong as he did before?

A. For my part, if he had not spoken about it, I should not have known about his wound by his appearance.

Q. But did he complain?

A. Yes, he complained very much, and he said, if it had not been for his injuries, he should not have taken all the language that was offered to him.

Q. Was ill language used towards him?

A. Only in the way of mentioning his wound, and the person was talking of it, rather forwardish you know, and said as if he wanted to make light of his wounds.

Q. And he taunted him, saying they were not so bad?

A. Yes, saying they were not so bad as he said they were.

Mr. ASHWORTH—The witness did not use the word "taunt."

Mr. HARMER—But I have a right to put it to a witness in cross-examination.

The CORONER—But the witness does not know what you mean.

Mr. HARMER—Does he not, Sir? I should think he did though; and that he has more understanding than you give him credit for.

Mr. ASHWORTH (*to the Coroner*)—I am now, Sir, about to call Mr. Simmons, a surgeon, from the Infirmary at Manchester, and I believe I may say from my own personal experience, that a more respectable or skilful man does not belong to his profession.

Mr. HARMER—Really, Mr. Coroner, I am totally at a loss to conceive what these eulogies upon Mr. Simmons have to do with the present investigation, and they are certainly improper.

Mr. BARROW—Why you introduced Mr. Buckley as the nephew of Mr. Norris, the Magistrate.

Mr. HARMER—I beg your pardon, Sir; the Coroner called him Mr. Norris throughout some observations he made; in order to set him right, I told him his name was not Norris, but Mr. William Norris Buckley, and that he took the name of Norris from his uncle, Mr. Norris, the Magistrate; and I beg that I may not be misrepresented.

Mr. ASHWORTH—There is, however, one thing to which I will pledge myself, which is, that when you called Mr. Robinson, you stated, previously to his examination, that he was a highly respectable manufacturer. I have, therefore, a right to say that which is the truth, that Dr. Simmons is a highly respectable man.

Mr. WILLIAM SIMMONS called, and sworn by the CORONER.

Mr. ASHWORTH (*to the Coroner*)—I now wish, Sir, that you will read over the evidence of Mr. Basnett and Mr. Cox, in order that Mr. Simmons may be apprized of what the state of the body was, when those gentlemen saw it.

Mr. HARMER (*to the Coroner*)—I trust, Sir, that you will proceed with this witness in the same manner as you have proceeded with the others; and that you will begin by asking him the same question that you have asked all the other witnesses, viz. what he knows about the death of John Lees?

The CORONER—I will; but I conceive he knows nothing about it—(*to the Witness*)—What do you know, Sir, about the death of John Lees?

A. All I know about it is, what I heard from Mrs. Lees.

The CORONER—You did not know John Lees at all?

A. No.

The CORONER—Nor how he became wounded?

A. No.

Mr. ASHWORTH (*to the Coroner*)—Now, Sir, I submit that it is perfectly consistent with regularity that Mr. Simmons should hear Mr. Basnett's evidence read over, in order that he may give you his opinion as to the cause of the death of the deceased, from the appearances which Mr. Basnett has described.

Mr. HARMER—I decidedly object to its being taken in that way.

The CORONER—I think I shall certainly read over his testimony.

Mr. ASHWORTH—I recollect a case, Sir, in which it was done for me at the instance of several most respectable physicians.

The CORONER—I do it in this case because we have the evidence of the medical man who attended the deceased.

Mr. HARMER—I beg your pardon, Sir, that is not so. You have had indeed the evidence of Mr. Cox, who opened the body; and you have also had the evidence of Mr. Basnett, who saw the body.

The CORONER—But this gentleman may hear what they both said, and then he can be asked his opinion as to the cause of the death of the deceased, from the description they give of the body.

[*Mr. Basnett's evidence was now read, in taking down which, it appeared that the Coroner had inserted the name of Mr. Pearson, instead of that of Mr. Denison.*]

Mr. HARMER—I beg your pardon, Sir, but you have inserted the name of Mr. Pearson instead of Mr. Denison's.

The CORONER—It is not much matter.

Mr. HARMER—I beg your pardon, Sir, it may be of some consequence, and one would wish to be correct.

[*Mr. Cox's evidence was now also read over to Mr. Simmons.*]

Mr. HARMER (*to the Coroner*)—Will you be also good enough

to read, Sir, that part of Clegg's evidence where Mr. Cox put to him some questions?

The CORONER—That arose out of Clegg's examination.

Mr. HARMER—Yes, Sir; Mr. Cox asked the witness whether he had not said, that the deceased died of the bruises received on his body.

The CORONER—That was not in Mr. Cox's examination.

Mr. HARMER—No, Sir; but Mr. Cox was in the room, and he asked permission to put one or two questions to Clegg. If you will be good enough to read that part, I shall be much obliged to you.

Mr. ASHWORTH—I must request, Mr. Harmer, that we may not be continually interrupted in this kind of way.

Mr. HARMER—I beg, Sir, that you will not interrupt me. I am now in possession of the Coroner. I recollect distinctly, that I asked Mr. Cox if he could say, what was the cause of the death of John Lees, and he said, "no, I cannot, I do not know why he died."

[The Coroner here again read the latter part of Mr. Cox's evidence, but it did not appear to contain the part which Mr. Harmer mentioned.]

The CORONER—It contains nothing of the kind.

Mr. HARMER—Well, Sir, if you say so, of course I cannot help it, but I clearly recollect, that the witness's answer to my question was, that he could not tell why John Lees died. Will you have the goodness, Sir, now to read the latter part of Clegg's evidence, where he was examined by Mr. Cox?

The CORONER—But other witnesses, Sir, have contradicted Clegg.

Mr. ASHWORTH—Clegg said, that Mr. Cox had said, that if blood had been taken from the deceased, it might have prevented inflammation; and in answer to a question of Mr. Cox, he said, that Mr. Cox had said, there were sufficient appearances on the lungs to account for the death of John Lees.

Mr. HARMER—Mr. Cox also asked Clegg whether he had not said the deceased did not die of the cut in his arm, but of the injuries on his body, and Clegg said (for we have it down accurately), "Yes, you said he died from the bruises on the body."

The CORONER—I decidedly say not.

Mr. ASHWORTH—I must object, Sir, to your being interrupted in this kind of way.

The CORONER—Clegg had said that before, in his own testimony, but Mr. Cox never asked him that question.*

Mr. HARMER—I beg your pardon, Sir, he certainly did, and we have got it down; but call Clegg or Mr. Cox again.

Mr. ASHWORTH—I object to that.

The CORONER—I shall not call them again. I have got down what it was accurately.

Mr. SIMMONS examined by Mr. ASHWORTH.

Q. Now, Sir, after having heard the evidence of Mr. Basnett and Mr. Cox, and their description of the appearances of the body, both externally and internally, what was, in your opinion, the cause of the death of John Lees?

A. I have no hesitation in declaring, that any injury which John Lees might have received on the 16th of August, did not, and could not prove the cause of his death.

[Here Mr. Harmer repeated the answer of the Witness aloud, while he took it down.]

Mr. ASHWORTH—Really, Sir, I must object to this; it is shocking that we cannot proceed without these interruptions.

Mr. HARMER—I was not interrupting you, Sir; I was merely repeating the answer of the witness.

The CORONER—I will put an end to this by and bye.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. What will you tell us are the grounds of your opinion?

A. I judge from the history of the case. Every professional man knows—I mean in our profession—or ought to know, that the danger follows closely upon the violence inflicted, and that nature immediately assists the process of the system to repair any injuries that may be sustained. Now, the next point to which I shall advert, is connected in order with this, and I shall afterwards explain any particular point which I may be called upon to explain. The injury was that of a cut on the *olierum* or shoulder bone. That is not apprehended to be a dangerous wound. It ranks not as a dangerous wound. There are many instances of that bone being taken out by surgical operation, and the only danger that would follow the infliction of such an operation or accident, that is, where it is only a simple cut, for a contused wound makes a broad distinction—the only danger, I say, that can follow, is inflammation in the first state, which will follow closely upon the operation. Now, according to what I have heard delivered, the inflammation had subsided in this case, as it must necessarily do, or go on rapidly to a fatal termination in a short time. That is the active stage of the complaint. I think it necessary to explain, in this stage, that when a joint is opened, when a patient recovers from the first inflammation or active state, it must be generally in chronic disorders, and similar to what we see in what are called white swellings of the joints. Now in this instance, the first inflammation had subsided, whatever inflammation there might have been immediately after the accident.

Mr. HARMER—Now, Mr. Coroner, is this what the witness can know? It is still the hearsay of others, and though it is down

upon your notes, the witness is not speaking it as from his own knowledge. He is forming an opinion merely upon what he has been told somebody else has said.

The CORONER—He is forming an opinion upon what has been stated on oath, in this room.

Mr. HARMER—Still, Sir, I submit that is not evidence, as to him it is still nothing more than hearsay.

Mr. ASHWORTH—With respect to hearsay evidence, Sir, it is evidence with respect to the science of others, and in that shape, hearsay evidence is admissible.

Mr. HARMER—But, Sir, the other witnesses spoke from ocular observation; they had the evidence of their senses to assist their judgment.

The CORONER—I am of opinion this is evidence. I had resolved to have such evidence brought forward in consequence of a jurymen expressing a wish to know whether this mode of treatment, or that mode of treatment, was proper.

Mr. HARMER—When did that take place, Sir? I never heard it.

[*Mr. Harmer delivered these two sentences with some warmth.*]

The CORONER—It took place from Mr. Kaye, openly in court. What do you mean by that violence? It came from Mr. Kaye.

Mr. HARMER—It certainly did not come from Mr. Kaye in my hearing. He did not express any doubt, that I heard, as to the cause of John Lees' death.

The CORONER—For my own satisfaction, it was my opinion that I ought to have the judgment of superior men upon the subject.

Mr. HARMER—Well, Sir, I shall call evidence then to the same effect.

The CORONER—Very well.

Mr. HARMER—If we are to have evidence of this description, I shall send to London for the first men of the faculty, and I shall beg the inquest may be adjourned for that purpose.

The CORONER—I think this is the last open court we shall have here of the kind, if we are to be threatened in this sort of manner with such an immense number of witnesses; (*to the Witness*)—You say the inflammation in this case had subsided?

A. Yes.

Mr. HARMER (*to the Witness*)—How do you know the inflammation had subsided?

A. From Mr. Cox.

The CORONER (*to the Witness*)—Well, Sir, go on.

A. I am of opinion, that in this case the first inflammation had subsided. Now, Sir, in going on with the argument with regard to the state of the wound, the first inflammation having subsided, no irritation that could at all endanger life (if any existed afterwards) did subsist: all immediate source of danger, my conclusion is, had subsided. My reason for using the term, "immediate," is, that in consequence of the exposure of the joint, a chronic inflammation in the joint must have taken place.

The CORONER—What do you mean by “exposure of the joint?”

A. I mean the joint laid open. My conviction, therefore, is, that the cut on the elbow joint did not, and could not, be the cause of his death, at such a distance of time after the accident took place. There is something mentioned with regard to *paralysis*, and injuries to the spine and neck. I do not know whether I may be permitted to render myself intelligible upon that stage of the case, by some physiological and pathological observations. If it would be permitted, Mr. Chairman, I will cheerfully do so.

The CORONER—If you please.

The WITNESS (*proceeded*)—It is stated, with regard to the back, that there were bruises inflicted upon it, and on different parts of the body. Now, whatever injuries might be inflicted, it does not appear, from the history of the case, that the spinal cord was injured, which alone would have produced paralysis. There were not, as it seems, bruises of the bone. Now, had the spinal cord been injured, a man could not have walked; but there are no symptoms indicative of the spinal cord having been at all injured by the bruises. I shall next proceed to the appearance of the bruises described to have taken place. Now, to a medical mind, it is easy to describe what is the effect of a bruise; but to those who are not in the habit of seeing such things examined, it is necessary to state, that when a bruise is created by a blunt blow being inflicted, a number of vessels, more or less, are ruptured. A quantity of blood is poured out into the semular membrane, immediately after this the discolouration of the skin is black, or of a very dark colour, but in a few days, or a week, more or less (though the appearances may continue for more than that), a gradual change is evinced. Absorption takes place very frequently, unless the blood has issued from the ruptured vessels in large quantities, and nature sets her preparer of lymph to act as a purifier, to prevent a diffusion, and this is called “adhesion.” Now supposing the worst to have happened, these appearances having been formed by nature, the worst that could have happened, would have been suppuration. Where absorption has failed, suppuration would take place. I need hardly mention what is meant by suppuration; it means a gathering. Now as this had not taken place speedily, I am compelled to infer that danger, if ever such danger existed, was perfectly expelled, because the suppuration was external to the large cavities of the body. I now, therefore, for the present at least, take leave of the external parts, and proceed into the larger cavities. Now, beginning with the abdomen or belly, the account of Mr. Cox, who inspected the body, is, that there was an inflammation in the *omentum*; and if I recollect rightly, of some of the smaller guts. Now, Sir, I must lay down a broad distinction with regard to the wound on the elbow; between acute inflammation and chronic disease. Now the appearances described by Mr. Cox, indicate acute inflammation; now as acute inflammation of the bowels, is one of the most violent diseases that can afflict the human frame; it is utterly impossible that a man could have carried it

about him, from the 16th of August to the time of his death; it is utterly impossible, I say. I now ascend to the chest; and there the appearances described are, of an accumulation of blood in the right lobe of the lungs; and there was also an extravasation of blood into the right cavity of the chest. It does not appear that there were any marks of external violence upon the chest. Now if this extravasation of blood into the right cavity of the chest, or the accumulation of blood in the right lobe of the lungs, had been caused by any injury inflicted on the 16th of August, the man must have died much earlier than he did; and there must have been external marks of violence on his chest. It must have happened in his case, as it has happened in all other cases of injuries, where the vessels of the lungs have been punctured by fractured ribs; that he would either have been suffocated by the accumulation of blood preventing respiration, or by the inflammation following upon the injury by the extravasation, or he would have died from both causes in conjunction. It appears also, that the internal inflammation had extended to the *pericardium*, or the bag in which the heart is lodged.

Now, Sir, I must go to the *lymph*. In chronic inflammation, the lymph would be brought out on the surface of the frame or outer membrane. Now Mr. Cox distinctly states, that there were appearances of inflammation, of course the disease was acute; and hence, again, I am compelled to infer, that death could not be owing to any violence received a fortnight or three weeks before. I believe these three heads exhaust this part of the subject.

I will now explain, as far as I can, what was *not* the cause of his death; namely, that from the active inflammation which was stated to exist in the *abdomen*, and in the *pericardium*; and from the extravasation of blood in the cavity of the chest, I think that he died of an acute disease, and not of the injuries received on the 16th of August. I am not aware, Mr. Chairman, whether in forming a medical opinion as to what was not the cause of his death, I should advance to describe certain appearances which have not been fully described.

Mr. ASHWORTH—I understand you perfectly, Sir. (*To the Coroner*)—This gentleman, Sir, in fact, says, that what occurred on the 16th of August, could not be the cause of the death of the deceased. He now wishes, from the evidence of Mr. Cox, to give some further explanation in fact, as to the appearances that were exhibited, and how they were connected with the cause of death.

A. Certainly, that is what I wish to do.

Mr. ASHWORTH—Have you ever seen me, Sir, upon this subject before?

A. No, Sir, and I would wish to satisfy any gentleman, that I am not influenced by any man, and that any consideration, unless that of a public duty in this case, is below my notice. I have not seen Mr. Ashworth nor Mr. Barrow, excepting in meeting them in the street, but no conversation has passed between us on this subject.

Mr. ASHWORTH—And in order to stifle all suspicions, I declare, I have not said one word to Mr. Simmons on this subject ; nor have I uttered one syllable to him about the matter before he came into this room.

The WITNESS—It is impossible ; for I never heard a word about my attending here until Wednesday, nor did I hear any insinuation that I was to attend here in any shape ; and no man shall ill-use me, by insinuating that which is contrary to the whole tenor of my character. No consideration should ever influence me to give evidence contrary to my conscience on any occasion, to serve any man or set of men on earth. Now, Mr. Chairman, I will ascend to the neck, and I beg to say, that it would be impossible for any human being afflicted with a disease of the brain to go about ; and with regard to the accumulation of blood in the right lobe of the lungs, and the extravasation of blood into the right cavity of the chest, it is impossible not to infer that there was great difficulty in breathing. Any man who has seen a paroxysm of asthma will see that it is owing to the want of a free circulation of blood through the lungs. Now the blood is sent up to the brain by the arteries. That being sent up in the course of circulation to the brain, and having been prevented from returning from the head through the lungs, an accumulation of blood must have taken place, about the head and neck ; and hence I should explain the swollen appearance of the features and of the neck, and the discolouration of the features and the neck, for a reason which I shall presently mention. Now the accumulation of blood in the head and neck would press upon the brain more or less, and upon the optic nerve, which would blind one eye. Now this accumulation of blood in the vascular system at the time of death, it is necessary I should explain, at least to render myself intelligible, that this accumulation of blood in the vascular system which existed during life, would, after death, transude through the coats of the vessels, and hence occasion a dark morbid appearance, which is observed more or less after death in every instance. Now, during life, the blood vessels do not permit the blood to pass through them.

Mr. ASHWORTH—That is, through their coats ?

A. Yes, I mean through their coats. As soon as the living principle is extinct, the blood does transude to a considerable extent, through the coats of the vessels, just as if it were soaking through a piece of cloth. That explains the principle upon which it takes place, and the difference between a living state and a dead state.

The CORONER—That is the difference between the outward appearance of a body ?

A. Yes.

Mr. ASHWORTH—That, then, Sir, causes the difference between the appearance of a human body, alive or dead ?

A. Yes ; it is the vital principle that forms the organization, and not the organization that forms the vital principle ; because the body becomes disorganized the moment the vital principle is extinct. Disorganization commences immediately upon the extinc-

tion of the vital principle. The period for the disorganization of the body having commenced with the extinction of life, putrefaction next takes place. A new composition, and a new arrangement of fact ensues, and this, much more rapidly when the body dies in a state approaching to high health, than it does after a lingering disease, and more especially in a hot season of the year, where gas is extricated; and hence may be explained the *emphysematous* appearance about the neck and back, and it is very common for air to escape in opening the body. Now that this could not have happened with any communication is most clear, and hence it must have proceeded from the putrefactive process. Nor was there any communication with the cavity of the lungs. I believe this, Sir, exhausts the subject, according to the view which I had taken of it; and here, probably my examination might terminate; but if it be the wish of any gentleman that I should explain my own view of the cause of the death, I have not the least objection to do it. I think I have demonstrated according to the laws of the living.

Mr. HARMER—I beg, Sir, you will not be talking about demonstration. What you have demonstrated or not demonstrated is a question for the Jury, and we shall have their opinion upon the subject in due time.

The WITNESS—I speak professionally.

Mr. HARMER—And professionally, Sir, I object to it.

Mr. ASHWORTH—I beg the witness may not be interrupted.

Mr. HARMER—I beg the witness will not use the term demonstration, as applicable to his own evidence, and then I shall not interrupt him. Here he is talking about having given demonstration, and then he is proceeding to reason upon what he says he has demonstrated. Why, Sir, what are the facts that are demonstrated, cannot be known till the termination of our present investigation, and this gentleman must not assume to himself that which is the province of the Jury alone.

The CORONER—I think he may give evidence of his opinion as to what was the cause of his death, from the evidence that he hears was given as the cause of the death.

Mr. ASHWORTH (*to the Witness*)—Come, Sir, go on if you please; we will not be interrupted in this kind of way.

A. I think I have shewn then, *to demonstration*, if that is a word that may be uttered, and I think there cannot be any harm in it, that according to the laws of the living system, and I trust I really have demonstrated it, the injury received by the deceased on the 16th of August, could not have caused his death.

The CORONER—What is your opinion of the cause of his death?

A. Now, Sir, as he died, I should conclude from the circumstances stated, of an acute disease; it must be of an acute disease of the bowels or lungs; it must have been brought on, as in other cases, by recent injuries, by intemperance—by the application of cold, which is another cause of internal inflammation, and which, like other acute diseases of a similar character, might have terminated

his existence. Upon the whole then, what I believe is, that in my opinion, if he had received ten times more than that which he afterwards recovered from, there would not have been any dangerous consequences from any injury he received on the 16th of August. I don't say he had perfectly recovered, but he had recovered from all dangerous consequences, and he died of an acute disease, brought on in the manner I have described, or by some other means, and I am most confident of it.

Mr. ASHWORTH--Which means are the common causes of such diseases?

A. Yes.

The CORONER--That is your opinion, from what you have heard?

A. Yes.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. That is your opinion, from the evidence of Mr. Basnett, who saw the body without its being opened, and from the evidence of Mr. Cox, who saw it after it was opened?

A. Yes.

Q. That is your opinion, from the evidence of these two gentlemen?

A. Yes, certainly.

Q. And not from what you heard in any other way?

A. Certainly not. I knew nothing about it. I only heard that an inquest was going forward, and I read an editorial argument, but I could not know any thing about it.

Q. But you form your judgment from nothing but the account that you have heard read?

A. I read an account in the *Courier*.

Q. But is your judgment formed from the account given by Mr. Basnett and Mr. Cox, and nothing else?

A. Certainly. Before I read the account in the *Courier*, on Thursday morning, I knew nothing.

Q. What I mean is this :—Is your judgment given from the evidence you have heard read from the Coroner's notes?

A. Yes; and I only explain, that I had read the *Courier* on Thursday morning. My evidence was founded on the evidence of Mr. Cox and Mr. Basnett, which I went through, as far as my recollection served me, *seriatim*.

Q. How long, Sir, have you been in practice?

A. I have held my appointment, at our Infirmary, twenty-nine years; and I had been in practice some time in the town before that.

Q. But you have held your present appointment of Surgeon to the Infirmary twenty-nine years?

A. Yes.

Q. I need not ask you if, during that time, you have seen a great variety of cases?

A. You need hardly ask it. I have seen between fourteen or

fifteen thousand patients, all, with a very few exceptions, constantly on the spot.

Q. And, of course, you have seen a very great variety of cases?

A. All sorts of cases.

Q. And constantly on the spot?

A. Yes, for twenty-two years I never had an excursion for more than a single day, and that was fifteen years ago; and, in fact, I went on until I could go on no further. A friend reminds me, that at the expiration of twenty-two years I was obliged to go to Scarborough. I wish to guard against a quibble.

The WITNESS examined by the CORONER.

Q. I would wish to ask whether the inflammation in the lower bowels, and the *omentum*, which you have had described to you, could have existed from the 16th of August to the time of the death of the deceased?

A. Certainly not. I most particularly explained that. That is the view which I take of it.

Q. If that inflammation had been produced by external bruises, when would it take place?

A. It would follow rapidly.

Q. Suppose the bruises had been inflicted on the 16th of August, and had been the cause of that inflammation taking place, what time would elapse before it would take place?

A. Not above two or three days.

Q. Then, if the cause had been inflicted on the 16th of August, how soon would the inflammation begin?

A. It would begin its process very quickly. It commences almost immediately; within two or three days at furthest.

Q. Then, from the description you have had of the inflammation in the deceased, how long are you of opinion that it had existed, previous to his death?

A. Not many days. Now, Sir, it must either prove fatal then, as it did, or the patient must have been saved, by adhesion forming with the lymph, which I before described.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Then, Sir, are you, in fact, of opinion or not, that the cut on the elbow, and the different bruises mentioned in the evidence of Mr. Basnett and Mr. Cox, occasioned the death of the deceased?

A. I have before stated, and I will confirm it, that his death was not owing to any injury received on the 16th of August. What I mean by adhesion after inflammation terminates, may be understood by an illustration, as in pleurisy. The way in which pleurisy frequently terminates, is by the formation of adhesion to the inside of the chest, and that terminates the inflammation. In this instance, the man died from this adhesion, in all probability, not having formed. Either the disease would run its course to destroy

life, or the adhesion that would form in case of pleurisy, would put a stop to the progress of the disease.

Q. How long do you think it possible for this inflammation of the *omentum* and the lesser guts to have existed, before it occasioned death? How long is it possible that they should have existed before they terminated fatally?

A. Not many days. Inflammation in the bowels, as every one knows, is soon stopped, or soon terminates existence. Every one must have heard of that. It will sometimes destroy life in twenty-four hours, or a shorter time. It depends, of course, upon the degree of inflammation, which is various in different instances.

Q. Then, I understand you to say, that if the inflammation of the *omentum* and the lesser guts had arisen from bruises inflicted upon the deceased, on the 16th of August, his death must have ensued in a week from that time?

A. That depends upon the inflammation. It is impossible to fix it positively, unless one knows the state of the inflammation.

Q. But, supposing the inflammation to be that which has been described, must existence have terminated in a week?

A. Yes, in a shorter time.

Q. I think you said also, that the inflammation itself, if produced by those bruises, must have come on in two or three days?

A. Yes.

Q. And that inflammation would have terminated existence within a week from that time?

A. Yes, unless adhesion had formed, to stop the spreading of the disease.

Q. Which, from the history of this case, you learn had not taken place?

A. No. It does not appear so from the examination of Mr. Basnett and Mr. Cox. Their remarks shew, in my opinion, that it was an acute disease.

The examination of the WITNESS resumed by the CORONER.

Q. If I understand you right, Sir, then this inflammation would not have suffered the deceased to have gone about so much as we hear he did, after the 16th of August, if the inflammation had arisen, as you say it must have done, within two or three days after the injuries that produced it, and if those injuries that produced it, were inflicted on the 16th of August?

A. No. No man ever heard of a man going about with an acute inflammation of the little guts. It is utterly impossible.

Q. Is it physically impossible?

A. Yes, it is.

Q. You said, that the effects of the injuries received on the 16th of August, were surmounted and got over, and you gave a reason for it?

A. Yes.

Q. Now, will you explain that?

A. The consequences of an injury which produces this inflammation are, either to go on to destruction, or, for the inflammation to terminate and subside. Having subsided, the source of danger is done away with; and, therefore, it could not happen in this case, because the man was healing, which would not be the case if danger was not over. Whatever injury he might have received on the ground, on the 16th of August, all source of danger had terminated from that cause, before his death, and he could not die of that. The cause of his death was of recent origin.

Q. It has been stated in the evidence of another person, that there was an appearance of specks, and an appearance of a bluish colour. Can you account for that?

A. That is one point that I am afraid I have been too tedious upon, but which I will endeavour to explain. But I will explain the difference in appearance, between a recent extravasation, and an extravasation of some continuance. Soon after the injury is inflicted, the part looks black; but, as nature is endeavouring to restore the injured part, an absorption takes place of part of the extravasated blood, and instead of the part being black, it assumes a variegated appearance, and becomes black and blue, and lilac, and yellow, according to the stage of the absorption; but any spot at that time must still be explained upon the principles I before stated, that is, the transudation of the blood through the coats of the vessels.

Q. Do you think that was produced by paralysis?

A. He could have had no paralysis, when he was enabled to walk about, and from the statement I have heard, he certainly had received no injury of the spinal cord, because if he had, he could not walk about.

Q. How are you of opinion, that these appearances—these spots, could have taken place?

A. That proceeded from extravasation after death, I have no doubt.

Q. There is another point which we wish to be ascertained. Were these spots owing to paralysis?

A. No; it was not owing to paralysis. It might be similar to apoplexy; but this had nothing to do with any injury that the man might have received, had it been ten times greater than it was, on the 16th of August.

Q. To the best of my recollection, this loss of the use of one side, and of the sight of one eye, took place on Thursday, and John Lees died on the Monday night.—Could any injury received on the 16th of August, produce any such effect as that, at the time before he died?

A. Certainly not, as far as the evidence goes, he had received no injury on the head. A concussion of the brain is a most alarming disease, and shews itself instantly.

Q. It is also in evidence, Sir, that the deceased, after he was in bed some time, towards the latter end of his life, complained of a pain towards his shoulders when he was removed. That was when he was confined to his bed, for three or four days before his death. Can you account for that pain?

A. The symptoms stated are, that he had lost the use of his left side, and the sight of his left eye. Paralysis on the left side would blind the left eye. There must have been also evidently a congestion of the blood on the brain, and in case of an injury to the head, trepanning is frequently resorted to, and when you remove a body which is lying like a dead weight, I have known it frequently happen to be so.

Q. What, from the attempt to remove a person from the posture in which he lies?

A. Yes, when a person has been constantly lying in a particular posture, when he is attempted to be removed, he will feel this pain.

Q. And that is not confined to any particular part?

A. The pain is generally where the flesh is contused.

Q. This was after he had lost the use of one side, and he came very soon afterwards to be so as not to be understood: but the evidence is, when they put an arm under his shoulders to get him up, he always complained?

A. Evidently at this time he was lying under an apoplexy, and this apoplexy could not be caused by any injuries received on the 16th of August.

[*The Foreman of the Jury was here about to put a question direct to the Witness.*]

The CORONER (to the Foreman)—The regular way, Sir, is to put your questions to the witness through me.

The FOREMAN OF THE JURY—Very well, Sir, I think the witness says that the deceased did not die in consequence of the injuries he received at Manchester, on the 16th of August.

The CORONER (to the Witness)—You have heard that question, Sir, will you be good enough to answer it?

A. No, certainly, he did not.

The FOREMAN OF THE JURY—The witness has also said, Sir, that if the deceased had received ten times as much injury on the 16th of August, as he did, that these effects would not have ensued. Does he know what injuries the deceased really did receive on the 16th of August?

The CORONER (to the Foreman of the Jury)—He has said, that he would have gone on day by day, either getting better, which he did, or getting worse; and, if this inflammation had been produced on the 16th of August, he would have died in little more than a week afterwards.

The FOREMAN OF THE JURY—I ask, Sir, does the witness know what injuries the deceased received on the 16th of August at Manchester?

A. I take my reasoning from the document which the Coroner has read to me. He has read over to me the evidence of Mr. Basnett and Mr. Cox, and that is the ground of my reasoning.

The FOREMAN OF THE JURY (*to the Witness*)—But the deceased was beaten with bludgeons and with staves. You know you have not heard of that, though it has been proved here upon oath?

A. If he had been bruised ten times as much as he was, still I say, he had recovered from the effects of those bruises.

The FOREMAN OF THE JURY—But, might not those bruises have brought on something of which you suppose he died?

A. Certainly not.

Another JUROR.—I should like to ask the learned doctor, if wounds and bruises may not be inflicted on a man, of such a nature, as to produce appearances such as this man exhibited three weeks afterwards?

A. The injuries and bruises this man received at the time, must have been external, and were not affecting any of the larger cavities.

The same JUROR—Do you mean to say, that external bruises and injuries in a man, may not, and do not frequently lead to his death three weeks afterwards?

A. If none of the larger cavities—by the bye, though, that does not apply to the injuries in this case, according to the evidence now before me.

The same JUROR—I should like to hear what answer you give to that question.

A. If none of the larger cavities were affected, so as to injure the viscera, I answer positively in the negative.

The same JUROR—But, you will allow, that in some cases it may happen?

A. I answer positively in the negative.

The same JUROR—If the larger cavities are not injured, you mean?

A. Yes.

The same JUROR—You are certain that the larger cavities were not injured in this case?

A. Most clearly not.

The same JUROR—From what you got from the *Courier* newspaper?

A. No. The first information I received, was from the *Courier*. But, I have stated my evidence here, from hearing the evidence of Mr. Basnett and Mr. Cox read. I first received information of what had been given in evidence, from the *Courier*.

The WITNESS examined by Mr. ASHWORTH.

Q. But, Sir, is your present opinion as to what was the cause of the death of the deceased, given upon the evidence of Mr. Basnett and Mr. Cox read here only?

A. Yes, exclusively.

Q. And does it appear from their evidence that the larger cavities were not injured?

A. Certainly.

The WITNESS re-examined by Mr. HARMER.

Q. I think, Sir, you say, that your opinion is formed entirely and solely from the evidence you have heard read here this day?

A. Certainly.

Q. And, I think, you also said, that you had not any communication with any one, or information upon the subject, except from the *Courier* Newspaper, until you came here?

A. I have mentioned it in conversation; but, I have had no official communication with these gentlemen on the subject.

Q. Will you do me the favour to say, Sir, how it happened that these gentlemen found you out to bring you as a witness?

A. Why, I happened to mention that it was physically impossible Lees could have died of the wounds and bruises which he received on the 16th of August.

Q. Will you favour us by stating to whom it was that you happened to mention this?

A. To Mr. Hindley and another gentleman, and Mr. Cooke.

Q. Mr. Cooke, the attorney?

A. Yes.

Q. That is, Mr. Cooke, who is the attorney here for the Magistrates?

Mr. ASHWORTH—No; that is not so. The Magistrates have no attorney here.

Mr. HARMER—Mr. Cooke has been taking notes for them, however.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Is a medical man capable of forming so correct a judgment on a subject like this, from the description of appearances given him by others, as he can from ocular observation?

A. Certainly not; because I might see the same appearances in a different point of view.

Q. Do you happen to know Mr. Cox?

A. I have known him.

Q. Is he a man of reputation in his profession?

A. He was a pupil at the Manchester Infirmary.

Q. How long ago?

A. I saw him as he was coming into the house to-day, and I did not know him; and he states, it was twenty-five years ago. He conducted himself extremely well at that time.

Q. Is he a gentleman of skill and knowledge in his profession?

A. Yes; he is much esteemed as such.

Q. From your own experience, you know how he conducted himself twenty-five years ago?

A. Yes.

Q. Has he still maintained the same reputation which he then possessed?

A. Yes; for any thing that I know to the contrary.

Q. Would you, not having seen the body, which he had seen, venture to contradict him as to the cause of the death?

A. Certainly.

Q. Where he has seen the body, and of course has had ocular demonstration of the appearance of it, and you have not seen it, would you differ in opinion from him as to the cause of the death, that opinion being formed upon his description of the appearances of the body?

A. I would.

Q. And that you say, though you confess a person who saw the body had much better opportunities of judging, than you who had not seen it?

A. If I had seen the body myself, I might form a better opinion; and generally speaking, the same mind that formed an opinion, without seeing the body, might form a better opinion if he saw the body. But I may be supposed to have seen a great deal more of that sort of practice than Mr. Cox.

Q. Is Mr. Cox a man of skill, in your opinion?

A. There are different degrees of skill in the medical profession, as well as in the law.

Q. I don't know whether you have heard it or not; but it has been stated here, that this man never did recover from the injuries he received on the 16th of August, and that he was totally unable to work?

A. I have explained particularly, that all danger from injuries that he might have received on the 16th of August, had ceased.

Q. That he had recovered, I understood you to say?

A. From all dangerous consequences.

Q. From your knowledge of the skill and reputation of Mr. Cox, he having seen the body and opened it, and described as the cause of the death of John Lees external injuries, would you, not having seen the body, venture to contradict him?

A. He has given a narrative of the appearances which the body exhibited. I give the opinion I have stated upon his narrative, and I am convinced it is the correct opinion, whether it agrees with the opinion of Mr. Cox, or the opinion of any other man.

Q. That you know, Sir, is a mere difference of opinion.

A. Yes; and from what I have frequently seen of this sort of practice, I think I am more capable of forming a correct opinion on the subject than Mr. Cox.

Q. The Jury, Sir, will no doubt duly appreciate the value of that self-opinion.

Mr. ASHWORTH.—Really, Mr. Coroner, I must interpose to protect the witness from this sort of attack.

The WITNESS—Oh! Mr. Ashworth, let me go on. I will teach him surgery. I am anxious for a little more discussion. He is not the first lawyer I have taught surgery.

Mr. HARMER—Perhaps not, but notwithstanding the opinion you entertain of your own skill, I should be very sorry to be under your hands.

The WITNESS—Oh! I'll teach you surgery, Sir. As you have challenged me with a castigation from different medical opinions, I hope you will bring down Dr. Cline, Sir Everard Home, and the other leading members of the faculty. I shall be very happy to see them.

Mr. ASHWORTH—I will ask you, Mr. Coroner, whether the witness is to be attacked in this kind of way?

The WITNESS—I am sorry you should interrupt the gentleman, Mr. Ashworth. I am anxious for a little more discussion with him. I should like very much to have a little more discussion with him.

Mr. ASHWORTH (*to the Coroner*)—Did you, Mr. Coroner, understand Mr. Cox to say that the deceased died of the bruises he had received?

The CORONER—No; I did not.

Mr. ASHWORTH—Because that has been the insinuation.

[*Here much clamour ensued, and different gentlemen addressed the Coroner together.*]

The WITNESS—I want a little more discussion. Don't interrupt the gentleman. I should like a little more discussion with him.

Mr. HARMER—I beg you will hear Mr. Simmons; he says he wants a little more discussion with me.

The CORONER—I have exhausted all my patience.

Mr. ASHWORTH—Nothing shall drive me from my question, Sir, and no clamour shall put me from my object. I ask you, Mr. Simmons, did you understand from the evidence of Mr. Cox, as you have heard it read, that he ever gave it as his opinion that the death of the deceased was the consequence of the wound or bruises that he had received?

Mr. HARMER—I said “external injuries;” and that was what Mr. Cox said.

Mr. ASHWORTH—No such thing—(*to the Witness*)—Did you understand Mr. Cox to have said, Sir, in his evidence, as you have heard it read, that the deceased died of external injuries?

A. I did not.

Mr. ASHWORTH—This is an attempt to foist upon us evidence, as if it had been given by the witnesses.

Mr. HARMER—I beg leave to contradict that. Mr. Cox certainly so stated, though, perhaps, it may not be upon the Coroner's notes.

The CORONER—I took down all Mr. Cox said, which I conceived to be material to the present inquiry.

The WITNESS—I hope the gentleman may not be interrupted,

The more questions he puts to me the better, so long as it only leads to discussion.

The WITNESS examined by the CORONER.

Q. Mr. Harmer has said that it was not proved the deceased had got better, because he was never able to go to his work afterwards. Do you mean, when you say the deceased had got better, that he had recovered from his wounds, or that he had only recovered from the effects of his wounds, such as inflammation, and what would have followed the wounds and bruises?

A. I have repeatedly answered that, Mr. Chairman, and I have stated, that he had recovered the consequences of any injuries he might have received on the 16th of August. I do not mean to state, on the other side, that he was restored to vigorous health, but from their nature, whatever the injuries were that he had received on the 16th of August, he must have been restored to a state of safety, though not, perhaps, to a state of vigorous health. He might be poorly, though I know nothing about that, not having seen him.

Q. He had recovered from all danger, you mean?

A. Yes. He could not use his arm for some time, no doubt; but, by the appearances, he had an inflammation of his bowels, and he had also been afflicted with apoplexy; and certainly these could not have proceeded from any injury that he might have received on the 16th of August.

Mr. ASHWORTH—That is all, Sir, that I wish to ask you.

[*The Witness here addressed Mr. Harmer personally in the manner following.*]

The WITNESS—I hope you will bring down some of my London friends, as I passed some very pleasant days with them in the spring, and I should like to see them again.

Mr. HARMER (*to the Witness*)—Did you say that you expected to meet them here, Sir, in the spring? If you did, I think your expectations will be realized. The assizes are held in March.

The WITNESS (*to Mr. Harmer*)—No; I said I spent some very pleasant days with them in the spring, and I said I should like to see them down here.

Mr. ASHWORTH—What the witness means, Sir, is, that these are the most celebrated members of the faculty, and I hope we shall have the pleasure of their company down here, as I understand you will bring them with a view of contradicting this witness.

The WITNESS—Perhaps they may be brought down here with that view, but unless the old system is very much changed since last March, I think they will confirm all I have said.

Mr. HARMER—Is this to be borne, Mr. Coroner? Will you lend your sanction to this species of self-sufficiency?

The CORONER made no answer.

The WITNESS—I certainly shall be glad to see those gentlemen down here.

Mr. ASHWORTH—I trust, Mr. Coroner, you will allow me to say a few words. I see that a great deal of asperity is exerted towards this witness.

Mr. HARMER (*warmly*)—I take leave to say, that no asperity has been evinced by me towards Mr. Simmons ; but that gentleman has thought fit to conduct himself in a manner that would have long ago called down the Coroner's censure, if I had produced him as a witness.

Mr. ASHWORTH—Depend upon it, depend upon it, Mr. Coroner, a loud tone of voice shall not stop me. Depend upon it, Sir, by clamour I shall not be made to recede from my duty ; but I may be allowed to say this, that Mr. Simmons' time (if his own description of his situation is to be believed, and I trust that will not be attacked) is of the greatest importance to himself, and to the infirmary, where it is of the greatest possible benefit to the public. I trust, therefore, Sir, that as his time is so very valuable, in order that he may not have the necessity of coming here a second time, he may be allowed now to sign his examination, or in the course of this day ; and if he be wanted again to give any further evidence, I pledge myself that he will most cheerfully come over.

The WITNESS—I have only to say, Mr. Coroner, that I wish very much to get back to my duty, but I would not, on any account, return as long as a single mind present is dissatisfied with any thing I might have said. I wish to give the fullest and clearest explanation of what I may have said, divested of all technical language ; and if the gentlemen wish, I will wait here any time to explain to them.

Mr. ASHWORTH—I merely submit, Mr. Coroner, that it might be advantageous to the witness, considering the public situation he holds, that his deposition may be read over to him, and signed by him in the course of this day.

The CORONER—Yes, certainly. It shall be so.

Mr. BATTYE (*to the Witness*)—I will make out your deposition, Sir, and I will let you know as soon as it is ready.

Mrs. FLETCHER called in by the CONSTABLE, sworn, and examined by the CORONER.

Q. Where do you live ?

A. In Manchester-street.

Q. Manchester-street, where ?

A. Manchester-street, Oldham.

Q. Are you a married woman ?

A. No ; I am a single woman.

Q. Will you tell us what you know relative to the death of John Lees ?

A. I never saw him but once after he was cut.

Q. Where did you see him then, and what observations did you make on him ?

A. It was on the 21st of August.

Q. But where did you see him on the 21st of August ?

A. In Manchester-street.

Q. How long were you with him then ?

A. Perhaps about a quarter of an hour.

Q. Did you never see him after that time ?

A. I also saw him on the Monday night before he died.

Q. Did he speak to you then ?

A. No, he did not know any body then.

Q. Was any thing amiss with him on the 21st of August ? But stop, first tell us how lately before the 21st of August you had seen him ?

A. I saw him the Saturday night before the 16th of August.

Q. How did he appear then ?

A. He appeared very well then.

Q. Then you saw him on the 21st of August ?

A. Yes.

Q. How did he appear then ?

A. He seemed to be very low spirited.

Q. Did you observe any thing else in him, different from what you knew of him ?

A. He said his arm was very ill cut.

Q. Did you see any thing else the matter with him ?

A. No.

The CORONER—Mr. Harmer, do you wish to ask this witness any questions ?

Mr. HARMER—Thank you, Sir, I will ask her one or two ; but I will thank you first to read over what she has stated.

[The Coroner here read over what he had taken of the testimony of this witness, and the short-hand writer, by the request of Mr. Harmer, followed him in such reading, and perceived that the Coroner had not inserted in his minutes that part of the witness's testimony, relative to the deceased complaining of his arm being cut.]

Mr. HARMER—I beg your pardon, but as you read that over, and as we have got it down here, it appears that you have not got the expressions used by the witness. She stated, that John Lees complained of his arm being cut.

[During this latter observation of Mr. Harmer's the Coroner appeared to be writing.]

The CORONER—Well, Sir, I have got it down now.

The WITNESS examined by Mr. HARMER.

Q. I think he complained of being very ill cut ?

A. He told me his arm was very ill cut.

Q. Did he appear in as good health and spirits as he did before he was cut ?

A. He did not look so well in the face as he did before.

JOHN WHITAKER called in by the CONSTABLE, sworn, and examined by the CORONER.

Q. What business are you?

A. A wool-carder.

Q. State what you know respecting the death of John Lees. Did you live in the same house with him?

A. No, I did not live in the same house with him.

Q. Did you know him?

A. Yes.

Q. Were you very intimate with him?

A. I knew him very well.

Q. Were you with him at Manchester on the 16th of August last?

A. I was not.

Q. State what you know about his death?

A. I had about five minutes discourse with him the night he came home. That is all I know about it.

Q. When had you seen him last before that?

A. On the Saturday night.

Q. What did you say to him?

A. I heard that he had been wounded before I saw him.

Q. What did you see the matter with him?

A. I did not see any thing different in his person, because it was nearly dark.

Q. What time was it?

A. It was about nine o'clock at night.

Q. Did you see whether he had got hurt or not?

A. I did not.

Q. How long were you with him that night?

A. Not more than five minutes.

Q. When next did you see him?

A. On the Sunday before he died. I beg your pardon, though; I saw him on the Wednesday before he died.

Q. Where did you see him then?

A. At his own house.

Q. What situation was he in then?

A. He was very poorly then.

Q. Where was he? Was he walking about or laid down, or what?

A. Laid down.

Q. Were you never with him but these three times between the 16th of August and his death?

A. I saw him on the Monday night.

Q. Did he speak to you then?

A. I don't know that he spoke to me. I don't know that he did, and I don't know any thing more than what I have said, respecting his death.

Q. Don't you know what talk you had with him?

A. Is it proper for me to say what he said ?

The CORONER—I do not know that it is. It has been objected to.

Mr. ASHWORTH (*to the Witness*)—Is it any thing about where he had been on the 16th of August ?

A. No ; not on the 16th.

Mr. ASHWORTH—Then it is not to be admitted, I think.

The WITNESS examined by Mr. HARMER.

Q. Was he in good health before the 16th of August ?

A. I believe he was in perfect health.

Q. Did you see him in perfect health afterwards ; or was he ill ?

A. He was very poorly after the 16th of August.

Q. Did he get better or worse ?

A. He continued to get worse as far as I saw of him.

Q. You saw him two or three times after ?

A. Yes.

Q. And did he appear to get gradually worse ?

A. Yes.

The WITNESS re-examined by the CORONER.

Q. You first saw him on the night that he came home, and then on the Wednesday before he died ?

A. Yes.

Q. And when you saw him, you did not see that he was at all infirm ?

A. No, I did not.

JOSEPH CLEGG called in by the CONSTABLE, sworn, and examined by the CORONER.

Q. What are you ?

A. I am a cotton-spinner.

Q. Where do you live ?

A. In Oldham.

Q. Did you know John Lees ?

A. Yes.

Q. Were you intimately acquainted with him, or how ?

A. I knew him some little.

Q. What do you know relative to his death ?

A. I was only in company with him after the 16th of August.

Q. Were you in company with him on the 16th of August ?

A. No ; I did not see him on the 16th of August.

Q. When was it then, that you were in company with him ?

A. On the 22d of August.

Q. And where was it ?

A. At Middleton.

Q. Did you go with him to Middleton?

A. No; I only saw him there.

Q. You only saw him there?

A. That is all. I saw him at different times. I think it might be for two hours.

Q. What were you doing at Middleton? Was it any particular time?

A. I saw him there at first, a while past six o'clock.

Q. When was the last time you saw him there that even in?

A. It might be eight o'clock, or nearly dark.

Q. Were you in his company at a public-house?

A. Yes.

Q. What public-house was it that you saw him at?

A. I first saw him at the Mason's Arms, and there he invited me to drink.

Q. Did you see him at any other place?

A. Yes, at the Dusty Miller.

Q. What did you drink?

A. I did not belong to the same party with him. I just drank with him, and did not take particular notice of him.

Q. Were you at any more places together?

A. No; only these two public-houses.

Q. And the last time you saw him, then, was eight o'clock?

A. Yes.

Q. The first house you saw him at was the Dusty Miller?

A. No; the first time I saw him was at the Mason's Arms; and the last time was at the Dusty Miller.

Q. Did he appear to ail any thing at that time?

A. Oh! I could see very little difference in his person.

Q. What did you see different?

A. Nothing particular; nothing to take notice of.

Q. Did he seem healthy and in spirits?

A. He did seem something a little solid.

Q. Did you hear him making any complaints during the time that you were with him?

A. I never heard him make any complaints.

Q. Was he in company like other people, and did he act like other people?

A. Yes.

Q. Was he in the public room where the other people were?

A. Yes, I believe he was.

Q. What was to do at Middleton that day?

A. Why, folks walked together; that was all.

Mr. ASHWORTH—That is, what they call wakes?

A. Yes; that is what it was.

The examination of the WITNESS resumed by the CORONER.

Q. Did you see him again while he was alive?

A. No, I did not, to the best of my knowledge.

The WITNESS examined by Mr. ASHWORTH.

Q. They make merry at wakes, I think?

A. Yes.

Q. Was there the same kind of merriment there that there is usually at wakes?

A. Yes.

Q. Was he having beer, like you and the other people in the room?

A. Yes, I saw him drink.

Q. Did you see any thing about him that would make you notice him from any one else?

A. No; I can't say that I did.

Q. He joined in the songs?

A. I heard no singing.

Q. You heard no singing on the 22d?

A. No.

Q. It was the Sunday?

A. Yes.

Q. And there was no singing?

A. No.

Q. Now, when you saw him at the Mason's Arms, how was he? Was he drunk or sober?

A. He appeared to be sober.

Q. Did he appear to be sober the last time you saw him that night?

A. Yes; the last time I saw him he appeared to be sober.

Q. Did you see any thing about him but what was common with him?

A. No.

Q. How many people might there be in the room, either at the Mason's Arms, or at the Dusty Miller?

A. I believe there might be a dozen in our party.

Q. But how many were there in the room?

A. Perhaps twenty.

Q. Did you go away and leave him at the Mason's Arms?

A. Yes.

Q. How many miles is this from the house where John Lees lived? How far is the Freemasons' public-house from where John Lees lived?

A. You mean the Mason's Arms.

Q. Well, the Mason's Arms; how far is it from the Mason's Arms to where John Lees lived?

A. Perhaps it may be three miles.

Q. You left him, you say; was he in a party?

A. I saw nobody in his company, only a girl or two sitting along with him.

Q. Had they any liquor before them when you left him?

A. Yes; I think they had.

Q. And this is the only time you saw him, from the 16th of August to the time of his death, is it?

A. Yes.

The WITNESS cross-examined by Mr. HARMER.

Q. You say these wakes are times of merry-making?

A. Yes.

Q. And still you say that John Lees was solid?

A. Yes.

Q. Now, as to what he was drinking, was he drinking spirits?

A. No; malt liquor.

Mr. ASHWORTH—(to the Coroner)—Will you be good enough to ask him, Sir, how far is Lodwick's house from Lees'?

The CORONER repeated the question to the witness.

A. One mile.

Mr. ASHWORTH—(to the Coroner)—Will you also ask him, Sir, whether that is across the fields?

The CORONER repeated the question to the witness.

A. It is, by the nearest road.

ANN JONES called in, sworn, and examined by the CORONER.

Q. Where do you live?

A. In Windmill-street.

Q. Is that in Oldham?

A. No; Windmill-street, in Manchester.

Q. What are you, a widow?

A. No; I am a married woman, and the wife of John Jones.

Q. State what you know relative to the death of John Lees?

A. I cannot say that I saw him, that I know; but I saw the Cavalry cutting and slashing in St. Peter's field on the 16th of August, and he might be cut as well as the rest; and I saw a large quantity of blood on the field, after they were gone.

Q. You cannot say he was cut?

A. No, I cannot say he was cut; but he might have been cut as well as the rest.

Q. You mean to say you saw a very great deal of blood?

A. Yes; I did see a very great deal of blood.

Q. Were the hustings then there, or were they taken away?

A. They were not gone away. It was erected as a kind of a stage, and it was pulled down, but not removed. The carts were still remaining.

Q. What more did you see?

A. I saw a great many people wounded, and very bloody indeed, come past my door.

Q. Did you see any one actually cut?

A. I saw the Cavalry strike very often; but I cannot say I saw them draw blood, except from one woman.

Q. I don't want to know about the woman. What more did you see on the field?

A. They broke through the pannel of my door, and I was fully employed in pulling the people in.

Q. Where is your house?

A. As near as I can guess it is about forty yards from where the hustings were.

Q. Is the sign of the Windmill there?

A. Yes.

Q. Was that farther from, or nearer to the stage than your house?

A. Nearer to the stage than my house.

Q. Had you reason to believe that John Lees was among those that came into your house?

A. No; I don't suppose he was.

Q. Whereabouts was this blood lying, that you have spoken about?

A. I cannot exactly tell. The planks were down, and the blood was on one side.

Q. You cannot tell on which side it was when they were up?

A. No.

Q. Do you know any thing more about it?

A. No; there was a great many people in my house, and all was in great confusion, and some of the special constables came up in great triumph, before my door, calling out, "*This is Waterloo for you! This is Waterloo.*"

The WITNESS examined by Mr. HARMER.

Q. What Cavalry were these?

A. The Manchester Yeomanry.

Q. You could see that?

A. Yes; I saw that.

Q. Was that the corps you saw that were cutting about the hustings?

A. Yes.

Q. Do you know any persons that you saw there cutting?

A. No; I cannot say that I remember one, as I was very much agitated indeed.

Q. In what state were the people in when the Yeomanry were cutting: were they endeavouring to get away, or were they resisting?

A. Resisting! Lord, Sir, not at all. They were attempting to get away the best way they could.

Q. Did you see what became of any of the people in Windmill-street, in their endeavouring to get away?

A. Yes; a great many were in my house.

Q. Did you see any in the cellars, or in the areas?

A. Yes; and I had a woman killed at my door.

Q. Do you mean in the area?

A. Yes ; the rails broke, and she was knocked in.

Q. How were the rails broken ?

A. By the crowd.

Q. They burst in the rails ?

A. Yes.

The WITNESS cross-examined by Mr. ASHWORTH.

Q. How far do you live from where the hustings stood ?

A. I never measured, but I think it is about forty yards.

Q. At the time the soldiers advanced, were you at your own door ?

A. No ; I was standing at the window.

Q. Then your house has a chamber to it ?

A. Yes ; and a garret too.

Q. Was it at the window on the first floor that you were standing ?

A. No ; on the second.

Q. There was a great deal of dust at this time ?

A. Dust !

Q. Yes, when the soldiers came up ?

A. Yes.

Q. You saw the swords shining through the dust ?

A. There was not so much dust then, until they began to gallop. They had not so much room then.

Q. Then they came very slowly to the hustings ?

A. They could not come so very quick ; but they came as quick as they well could, and did not mind who they trampled on.

Q. What do you mean by "as quick as they well could ?" Did they come at a trot or a gallop ?

A. They came as fast as they could, and trampled on the people too. I don't know whether they trotted or galloped, but they came to the hustings as quick as they could, and laid on very hard when they did come.

Q. What made you say before, that they did not come at a gallop, and that there was no dust, or very little, raised ?

A. No, I did not say so. When they came among the crowd the people began to move, and when the people were dispersed they began to gallop about, and that was when the dust was raised.

Q. Now, woman, I ask you, and I must have an answer, at what pace did they come up to the hustings ?

A. I don't understand your trotting or galloping ; but they came as fast as they could. I don't understand either trotting or galloping.

Q. Were they not more together, and in a body, in coming up to the hustings, than afterwards ?

A. Afterwards ! They went in all directions afterwards.

Q. If they were more in a body would not a greater quantity of dust be raised than when they acted separately ?

A. No ; when they trampled about it did not make a dust.

Q. Do you mean to say that a compact body of Cavalry (and give me an answer, for I must have it) would not raise more dust in coming up to the hustings than when they were acting separately?

A. It was not so on that day; for I saw a great deal of dust after they had separated.

Q. Then you mean positively to deny that, in going to the hustings, they raised any great quantity of dust?

[*Here the Witness hesitated.*]

Q. Do you mean to say, that, in going up to the hustings, they did not produce a considerable quantity of dust? and mind, now, other witnesses will be produced, and you are to tell the truth, and the whole truth.

A. If I did not see the dust, I have no right to say that I did.

Q. Now, when the Cavalry were going up to the hustings, did you not see a great quantity of dust?

A. I say I saw a greater quantity after.

Q. That is no answer to my question. I ask you, did you not see a great quantity of dust as the Cavalry went up to the hustings?

A. No; I saw a greater quantity after.

Q. But, Madam, upon your oath, did you not see a great quantity of dust as the Cavalry went up to the hustings?

A. No; I saw the soldiers very plain, and their swords too; and if there had been a dust, I could not have seen them so plain, and I saw what they did clearly when they got to the hustings.

Q. You saw their swords brandished about when they got to the hustings?

A. Yes.

Q. Do you mean to say that you distinctly saw from your window any one of the Cavalry cut any one person in the crowd assembled?

A. I saw a great many that were cut.

Q. You are giving me a great deal of trouble, but I will have a direct answer to my question. Did you see any one of the Cavalry actually cut any one person in the crowd assembled?

A. I cannot say. I could not see the blood drawn from such a distance; but I saw a great number come covered with blood from the hustings.

Q. Will you venture to swear, Madam, that any one person that you saw was cut, stood about the hustings when he received the wound?

A. No; I don't say I did. But I saw them come from that road.

Q. Did you, in the progress of the people from the hustings to your door, see any single Yeomanry Cavalry-man cut any one person?

A. No, I did not.

Q. Do you mean to state, that the woman who fell into the cellar, fell in consequence of any blow from any of these gentlemen, the Yeomanry Cavalry?

A. Gentlemen! I cannot call them gentlemen.

Q. I ask you whether this woman fell into the cellar from any blow inflicted by the Manchester Yeomanry ?

A. No.

JOHN JONES called in, sworn, and examined by the CORONER.

Q. Where do you reside ?

A. In Windmill-street.

Q. At what number in Windmill-street ?

A. At No. 14.

Q. What is your trade ?

A. I am a fustian-cutter.

Q. State what you know relative to the death of John Lees ?

A. I cannot say any thing as to his death.

Q. Did you ever know him ?

A. No.

Q. Nor saw him, that you know of ?

A. No.

Q. Have you seen him since he has been dead ?

A. Yes.

Q. Where ?

A. When he was laid out.

Q. How happened that ?

A. I came over here as a witness, and I went up there to see him.

Q. Do you know of his having received any injury, or any wound any where ?

A. No.

The CORONER (*to Mr. Harmer*)—There, you see, he knows nothing of the injuries, or the wound.

The WITNESS—But I saw them cutting and hacking at the people round the hustings, and he might, perhaps, be one as well as another.

The examination of the WITNESS resumed by the CORONER.

Q. What do you mean by “ them ? ”

A. The Manchester Cavalry.

Q. Well, what else did you see ?

A. I looked through my own window there ; and I saw they turned their horses from the hustings, and then rode right down the Croft, among the people.

Q. Did you see at the same time, and out of the same place, and from the same window as your wife ?

A. Yes ; she saw over my head. I was in the chamber ; and then the Cavalry made a charge upon the people.

Q. When was that ?

A. They first went up to the hustings, and then they turned round, and made a charge upon the people. It was all in confusion, and the people were running in all directions, and the Cavalry were running over them, and cutting at all they could get near.

Q. That was after they left the hustings?

A. Yes.

Q. Well, go on.

A. The people came down in great crowds past my door, and a parcel of them beat down the fence. The stumps were all down on the ground, and also the stones were put out of their places.—There was a large stump there with a stone at the bottom. It was an oak stump, about twelve inches square, and then there was a large stone at the bottom to keep it tight. The people were so pressed against there, that they could not get away; and they kept cutting away at them in the corner, and the shrieks would astonish you, and they were laying on them all the time as hard as they could lay on them, and an officer belonging to the soldiers came up and said, “Gentlemen! gentlemen! for shame! forbear! “the people cannot get away.”

Q. This was before your door, you say?

A. Yes; and then another gentleman came, and just as they were saying so to these Cavalry-men, the rail broke down at my door, and let a whole number of the people into my cellar; and at the bottom of my cellar there was a woman took up dead. Then another soldier came up, and told us to shut the window, or he would fire at us, and when the window was shut, a daughter of mine came down and told me the same, and then I went down, upon her saying so, to see who was there; and upon my getting down stairs, I found the lobby full of men, and the pannel of the door was broken open, and they were pulling the people through.

Q. Did you want to get out?

A. Yes. I then went into the house, and opened the window, and there I saw a man lying down, and I saw one of the constables there, and I said, “turn up that man’s face, I think I know him,” and they were lying in all directions, and some of them were as black in the face as they could be, and their eyes nearly starting out of their heads. I went to the door again and forced it open, but I should tell you, when I went down stairs into the lobby, I there found my mistress pulling them in at the hole in the door, and I could not get out, and I went to the window.

Q. What did you see from the window?

A. I saw them lying all of a heap together, and while they were all of a heap together, they were all with their eyes starting out of their heads, and like strangling; and when they were separated they began—[*here the Witness made that sort of noise in his throat which might be supposed to be incidental to strangulation*—]just as if they were strangled, and then when we went down again, a lad, a nephew of mine, picked one man up, and apparently he had not a grain of life in him, and he gave him some water, and was trying to bring him too; and there was Withington and Bowker cutting at the people as hard as ever they could.

Q. Don’t tell us that, Sir; it is not evidence. What was it your nephew did?

A. He was trying to bring this man too.

Q. And did he at last shew signs of life?

A. Yes, he did.

Q. How soon did you go out of doors again?

A. In about ten minutes, and then I saw Withington and Bowker cutting.

Mr. ASHWORTH (*to the Coroner*)—Do you think this is evidence, Sir? I object to all this.

The WITNESS appeared to be going on.

The CORONER—Stop! stop! Sir.

The WITNESS persisted. I saw Withington and Bowker and another of them cutting away as hard as ever they could at the people, and the poor people were running away as fast as ever they could, and every one that passed them they made a cut at.

Mr. ASHWORTH.—What can this have to do with the case?

Mr. HARMER—I say it has to do with the case.

The CORONER—I say it can have nothing to do with the case, and I conceive that it has nothing to do with the case.

The WITNESS proceeded. We were trying to bring this poor man too, and one young man was giving him some water, when a special constable came up, and knocked my bason out of his hand and broke it.

The CORONER—This is not admissible.

Mr. HARMER—I submit, Sir, that it is part of the same transaction, and clearly admissible evidence.

The WITNESS examined by Mr. HARMER.

Q. What Cavalry were these?

A. The Manchester Cavalry.

Q. Were Withington and Bowker dressed in the Manchester Cavalry uniform?

A. Yes.

Mr. ASHWORTH—Did this which you have described take place at the hustings?

A. No.

Mr. ASHWORTH—Then I object to it; it has been objected to over and over again, and it has been determined over and over again, that what was done in any part of the field but about the hustings, was not evidence. I really hope and trust, Mr. Coroner, that you will put a stop to this, which is only intended to consume time, and to point out particular individuals to odium and indignation.

The CORONER—I shall settle this business very shortly.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Did the Yeomanry Cavalry come in a direction towards your house?

A. Yes, some of them came in a body.

The CORONER—This has nothing to do with it.

Mr. HARMER—I beg your pardon, Sir, it has something to do with it; every act done by the military is to be enquired into.

The CORONER (*to the Witness*)—Now you have first said, that you saw something, and then you went in, and after about ten minutes you came out again?

A. Yes.

The CORONER—And then you saw what you have been now describing?

A. Yes.

The CORONER—Then it is not evidence at all. (*To Mr. Harmer*)—I desire if you have any more such witnesses as these, that you will not call them. If they are to speak to this sort of facts, they are not evidence.

Mr. HARMER—I shall produce all the witnesses, Sir, that I think can give legal evidence upon the subject.

The WITNESS cross-examined by Mr. ASHWORTH.

Q. When these Cavalry got up to the hustings, you say they turned into the crowd to disperse them?

A. Yes.

Q. When you talk about cutting and hacking, did you see any one single man cut?

A. No, but I could see their arms going in this way—(*here the Witness moved his arm, as descriptive of his meaning*)—at the people on the hustings.

Q. But, I ask you when they turned from the hustings, did you see any one person actually cut?

A. No, but they were going on the same way. They came from the hustings.

Q. Did you not say, they turned from the hustings?

A. They turned their backs to the hustings, and came down in a body upon the people.

Q. Do you mean to say, that you saw any one person cut near the hustings?

A. My house is so far from where the hustings were, that I could not discern any one cut in particular, but every one that came within their reach, they struck at.

Q. Was there not a great deal of dust at this time?

A. I cannot say to that.

Q. Was there not a great deal of dust?

A. I don't recollect that there was.

Q. Will you swear that you saw any one person cut with the sharp part of a sword, and that you saw it done?

A. I will not swear that.

Q. This, you see, is your "cutting and hacking?"

A. And so they were cutting and hacking, as hard as ever they could?

Q. Do you call using the flat side of the sword cutting and hacking? or is the flat side of the sword capable of hacking, Sir, or cutting?

A. I could not see so far off distinctly, that any body was cut.

Q. Do you mean to state, that you saw the persons thrown

down, and the blood that you describe, with all the aggravation that it is possible for you to give?

A. Yes.

Q. You swear you saw the people thrown down by them?

A. Yes; by their force. They forced the people in that way, so that they could not get away; and they heard their shrieks and groans, and for all that they would not allow them an opportunity of escaping.

[*Mr. Ashworth was here about to put another question immediately.*]

Mr. HARMER—Pray, Mr. Ashworth, let there be time given for the Coroner to take the witness's answer down.

The CORONER—It is a very long answer.

Mr. HARMER—Therefore, Sir, it requires more time should be allowed you to write it throughout.

The cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Do you mean to say, that the Cavalry touched any one person who was so thrown down?

A. They could not get at them, for the rest of the people were between them.

Q. Do you mean to state, that near your own house you saw any one cut?

A. I did not see them actually cut, but I saw a great many persons that were cut?

[*Mr. Ashworth here commenced putting another question immediately.*]

Mr. HARMER—I beg, Sir, you will allow time for that last answer to be taken down.

The CORONER—Mr. Harmer, you must not be putting in these interruptions.

Mr. HARMER—I only wish, Sir, that there should be time allowed for the last answer to be taken down.

The CORONER—I shall take down nothing that is irrelevant.

Mr. HARMER—What, Sir, do you call it irrelevant when the witness says he saw a great many persons cut?

The CORONER—I say that answer is irrelevant.

The cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you see any one person near your house actually cut with the sharp side of a sword? Did you see any wound actually inflicted, Sir?

A. I saw a great many of the people who were actually cut, and —

[*Here the Witness was going on to state something further, when he was interrupted by*]

Mr. ASHWORTH—I ask you, Sir, did you see them actually cut?

Mr. HARMER—Pray hear him, Sir; he was going to give you an answer, if you did not interrupt him.

The WITNESS—As to any cut that drew blood, I cannot pretend to say that I saw it inflicted ; but I know this, that if it had not been for the gentleman I have told you of coming up and stopping them, many would have been dead there.

The CORONER—That is your imagination, you know.

The cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. You shall answer my questions, Sir, and not interlard them with your own observations. Do you mean to state, that you know where these persons had been cut, whom you say you saw had been cut?

A. No.

Q. Did you ever see any one Cavalry-man use the sharp side of his sword, and cut any one person?

A. No ; I don't know whether it was the sharp side they used, or what it was ; but I know that the people were cut, for I saw them bleeding.

Q. Did you see any one Cavalry-man use the sharp side of his sword?

A. I tell you, I don't know whether they struck with the sharp side or the back side of their swords ; but I could see plain enough that the people had been cut.

Q. Did you see any one Cavalry-man strike any person with the sharp side of his sword ? and do not think you will evade my question in that sort of way.

A. I cannot say that ; but I know they kept hacking away as hard as ever they could ; whether it was the sharp side or the flat side I don't pretend to know.

Q. Did you see any wound given to any person or persons near the hustings?

A. No ; I cannot say that I did ; I saw no blood actually drawn myself, but I saw the people bleeding.

The CORONER (*to the Witness*)—Were there no people standing near your cellar before the Cavalry came away from the hustings?

A. Yes, there were.

The CORONER—It was full there, was it?

A. There were people there before ; and when the Cavalry came up the cellar was full.

[*Mr. Harmer was here about to address the Coroner.*]

The CORONER—I am going to adjourn. (*To the Jury*)—We must now adjourn, Gentlemen of the Jury, to nine o'clock to-morrow morning.

ADJOURNED TILL TUESDAY, THE 5TH INSTANT, AT NINE O'CLOCK.

Eighth Day.

AT THE SIGN OF THE ANGEL, OLDHAM.

TUESDAY, OCTOBER 5, 1819.

This morning, at a quarter after nine, the Coroner entered the Court, accompanied by his son. He was preceded by the same gentlemen who were in Court and sat at his table yesterday, with the addition of Mr. COOKE.

After the Court had been opened, and the Jury were sworn, the business was resumed.

Mr. ASHWORTH (*to Mr. Harmer*)—Is the witness Davenport here?

Mr. HARMER (*to Mr. Ashworth*)—No, he is not.

Mr. ASHWORTH (*to Mr. Harmer*)—Because it was reserved for me to cross-examine him.

Mr. HARMER (*to the Coroner*)—I stated, Sir, that I had not gone through one quarter of Davenport's examination, and I wished to tender him here to prove the remainder of what he knew; but it was objected to, and that is the reason, I believe, why he is not here.

The CORONER (*to Mr. Harmer*)—I suffered him to be examined as far as his examination was admissible; and he was examined to ascertain all that belonged to the transaction about the hustings, which was all (I was of opinion) he could properly speak to.

Mr. ASHWORTH (*to the Coroner*)—And, therefore, Sir, I should then be entitled to cross-examine him; and I understood his cross-examination was expressly reserved for me.

Mr. HARMER (*to Mr. Ashworth*)—I am very sorry he is not here at this moment; but I will send an express for him immediately.

The CORONER—I shall have him examined to nothing but what happened round the hustings.

Mr. HARMER—I will send an express for him immediately. I wish him to be further examined and cross-examined.

The CORONER (*to Mr. Ashworth*)—Do you think it is worth while having him sent for, Mr. Ashworth?

Mr. ASHWORTH (*to the Coroner*)—No doubt, Sir; but I think he need not have an express sent for him.

Mr. BARROW (*to Mr. Harmer*)—No, you need not send for him express.

Mr. ASHWORTH—Perhaps it is not necessary to send for him at all.

Mr. *HARMER* (*to the Coroner*)—But I think, Sir, it is of the greatest importance that he should be examined.

The *CORONER* (*to Mr. Harmer*)—I remember perfectly well asking him if he knew any thing more about this business, that happened near the hustings, and he said he did not.

JAMES WHOWILL sworn, and examined by the *CORONER*.

Q. Where do you live?

A. I live at Royton.

Q. What are you by trade?

A. I am a cotton-weaver.

Q. Did you know this John Lees, to ascertain the cause of whose death we are making this inquiry?

A. Yes; I have known John Lees many years.

Q. State what you know relating to his death.

A. I saw John Lees in St. Peter's field.

Q. When?

A. On the 16th of August.

Q. Where was he when you saw him?

A. He was on the hustings.

Q. What time of the day was that on the 16th of August?

A. That was a little after 12 o'clock when I saw him that time.

Q. What more did you see of him?

A. Then I did not see any more of him, not until the Cavalry were among the people.

Q. Where were you at that time? Were you on the hustings?

A. No; I was on the contrary side, next the houses: I do not know the name of the place.

Q. Windmill-street; is that it?

A. It may be.

Q. Were you next the houses at the back of the hustings?

A. Yes.

Q. How far were you from the houses?

A. I cannot say, because I did not measure the distance.

Q. You cannot tell the distance that you were from the houses, because you did not measure it?

A. No.

Q. What is your best opinion?

A. I cannot positively say, unless I was to measure it.

Q. Do you remember a public-house being there, the sign of the Windmill?

A. I was not at any public-house:

Q. But did you notice any public-house, the sign of which is the Windmill, among the houses near to which you say you were at first?

A. No.

Q. Have you been on the ground since?

A. No; I never was on the ground either before or since.

Q. Can you tell us whether you were nearest to the houses or to the hustings?

A. I was nearer the hustings than what I was to the houses.

Q. Can you tell us how far you were from the hustings?

A. I cannot precisely say how far.

Mr. ASHWORTH (*in an angry tone to the Witness*)—Why don't you answer the question, Sir: how far *about*? you are asked.

A. I don't wish to be crossed in that kind of way.

Mr. HARMER (*to Mr. Ashworth*)—That, certainly, Sir, is not the way to illicit truth, nor is it very proper to interfere when the witness is in the hands of the Coroner.

The examination of the WITNESS resumed by the CORONER.

Q. To the best of your belief, how far were you from the hustings?

A. To the best of my knowledge, I was not above a dozen or fourteen yards from the hustings.

Q. Did you measure that?

A. No, I did not, but I say it was that, to the best of my knowledge.

Mr. ASHWORTH (*to the Witness*)—The Coroner, Sir, is not supposing that you are speaking positively to a yard or two, and it is excessively absurd to take him as so meaning.

Examination of the WITNESS resumed by the CORONER.

Q. Was the field very crowded then?

A. There was a very great crowd at that time. There was a great many people.

Q. Could they move at all?

A. They could not move at that time.

Q. What more did you see?

A. I did not see any thing more, until the Cavalry came in amongst us, and then I made my escape as quick as possible.

Q. But did you see any thing more of John Lees?

A. No; I did not see any thing more of him, until just at that time.

Q. You were making your escape then?

A. Yes.

Q. And what did you then see?

A. And I then saw John Lees, and two or three constables round the place, and two or three Cavalry, and a trumpeter black-guard of Cavalry (but I do not know of what Cavalry) struck him with his sword.

Q. Did you say you only saw one Cavalry-man?

A. There were two or three Cavalry-men striking with their swords.

Q. Who did you see struck?

A. John Lees. He held up his stick to keep the blows off

him, and the Cavalry-man struck him on the top of his shoulder with his sword, and a constable there, who had a dark green coat on, struck him with his truncheon, and I made my escape then, and I saw nothing more of him, until the night following.

Q. Did you say you saw the Cavalry-man who struck at John Lees, strike him with his sword?

A. Yes.

Q. Was it a Cavalry-man, or a trumpeter?

A. It was a trumpeter.

Q. Because you before said both.

A. It was a trumpeter of Cavalry, but what Cavalry it was I cannot say. Whether he was a trumpeter to the Manchester Yeomanry, or not, I do not pretend to say.

Q. Where was this; on what side of the hustings?

A. On the lower side.

Q. Where the Cavalry was striking him?

A. Yes.

Q. That was on the contrary side from you?

A. Yes; but I was making my escape. It was on the contrary side from where I had just before stood.

Q. What did you say to Lees, at that time?

A. I said nothing to him. I was not so nigh as to be able to speak to him—not on the ground.

Q. Did you see the Cavalry come up to the hustings?

A. I saw them come in among the people, and come straight up to the hustings.

Q. And did they, in their way to the hustings, strike and cut this man in any way?

A. Yes.

Q. What, as they went up to the hustings?

A. No, I misunderstood you; as they turned from the hustings. The man was not on the hustings at the time I saw him cut.

Q. At what distance from the hustings was it that they struck him?

A. As to the number of yards, do you mean?

Q. Yes.

A. I cannot say positively.

Mr. ASHWORTH—(to the Witness)—You can say about.

The examination of the WITNESS resumed by the CORONER.

Q. Will you give any opinion?

A. I cannot say positively.

Q. Now you have said once, that you did not know how far you were from the houses, and that you could give no opinion, because you had not measured it. After that, you gave an opinion as to how far you were from the hustings, though you had not measured it. Now give us an opinion again, if you chuse, as to what I now ask you?

A. I cannot say positively.

Q. Give an opinion?

Mr. HARMER—(*to the Witness*)—You are not asked to speak positively as to the correct number of yards.

The CORONER—(*to Mr. Harmer*)—We do not want any of your interruptions, Mr. Harmer.

Mr. HARMER—(*to the Coroner*)—I certainly meant to give no interruption, Sir. Similar interferences have proceeded from Mr. Ashworth without his being at all found fault with.

Mr. ASHWORTH—(*to Mr. Harmer*)—I beg your pardon, Sir.—The Coroner did interrupt me, and with a tone of some asperity too. He said, "*Stop, Sir.*" He did, indeed.

Mr. HARMER—(*to Mr. Ashworth*)—Then, if he did so, Sir, it is certainly the first asperity he has evinced *towards you* in the course of these proceedings.

Mr. ASHWORTH—(*to Mr. Harmer*)—That is, because I do nothing irregular. I am, therefore, not subject to the Coroner's animadversions.

The CORONER—Well, let us go on. The witness now says, that it was about twelve yards from the hustings—(*to the Witness*)—Is that what you say?

A. Yes, about.

Q. How was this constable dressed, beside the green coat you say he had on?

A. He had on a light waistcoat, but I cannot say what coloured breeches he had.

Q. You have not yet told us on what part of the body this trumpeter, as you say, struck John Lees?

A. Yes, I did. I told you he struck him over the top of the shoulder.

Q. Did you see him strike him any more?

A. I cannot say whether he did or not.

Q. I did not ask you that; I ask you did you see him strike him any more?

A. No; because I was making my way as fast as ever I could, to escape, as well as the rest of the people.

Q. Was it with the edge, or the flat part of the sword, that he struck him?

A. As for that, I cannot positively say.

Q. What did John Lees do after that?

A. I did not see him afterwards on that day.

Q. After he was struck, what became of him?

A. I don't know. I left the crowd, and cannot say what became of him.

Q. As you do not know whether the edge or the flat side of the sword was used; you do not know whether he was wounded or not, then?

A. No.

Q. Then I shall ask you no more questions. But stop, when you saw him the next time, where was that?

A. It was just about dark the day following.

Q. What day was that ?

A. That was the Tuesday.

Q. Did you say it was about dark ?

A. Yes.

Q. Where was it ?

A. It was in the Brick-road, at the lower end of Oldham.

Q. Do you know any thing about him there ?

A. No, no more than he said his arm was hurt.

Q. How long were you in his company then ?

A. I was not in his company more than two minutes. I was going to my work.

Q. Did you say you were going to your work ?

A. Yes.

Q. What, at dark on Tuesday night ?

A. Yes.

Q. What did you say to him ?

A. I said nothing at all to him at that time.

Q. You never spoke to him then ?

A. No ; not at that time.

Q. Then how came he to tell you, his arm was hurt ?

A. He said to another man in my presence, that he had got his arm cut, and I made just a bit of a stop to hear it.

Q. Who was the other man, that he was standing talking to ?

A. I do not know that man that he was talking to. He was a stranger to me, and there were two or three other men about, all strangers to me.

Q. Pray do you know any thing else respecting John Lees ?

A. No, I do not.

Mr. ASHWORTH—Does Mr. Harmer ask this witness any questions ?

Mr. HARMER—Yes, I do, by the Coroner's permission.

The WITNESS examined by Mr. HARMER.

Q. Did you see this trumpeter, to whatever Cavalry he might belong, come up to the hustings ?

A. I saw them all come up together.

Q. Who do you mean by "them" ?

A. I mean the Cavalry that came up to the hustings the first thing.

Q. Was this trumpeter then among the number of Cavalry, that first came up to the hustings ?

A. Yes, he was.

Q. I think you say, you did not hear much of the conversation that passed between Lees and these men, whoever they were, the next night ?

A. No : I only heard him say, that he had got his arm cut.

Q. Then, whether he complained of having received more injuries, you cannot tell ?

A. No.

The WITNESS cross-examined by Mr. ASHWORTH.

Q. Had you been a long time acquainted with John Lees?

A. Yes.

Q. Did you go with him to the field that day?

A. No.

Q. There was a good deal of confusion at the time?

A. A great deal of confusion with the Cavalry coming in.

Mr. ASHWORTH—"A great deal of confusion."

Mr. HARMER—"A great deal of confusion *with the Cavalry coming in*," the witness said—(to the Coroner)—Mr. Ashworth only repeats part of the witness's answer.

The CORONER—That is constantly done by Mr. Harmer.

Mr. HARMER (to the Coroner)—I beg your pardon, Sir. The Jury will judge of that, and I will appeal to them, whether such has been my conduct.

Mr. BARROW (to Mr. Harmer)—I state that it is a fact. You do only repeat part of the witnesses answers.

Mr. HARMER (to Mr. Barrow)—I state, Mr. Barrow, that your assertion is untrue.

The CORONER (to Mr. Harmer)—I shall not attend to what you say, or what any other person says.

Mr. HARMER (to the Coroner)—It is only right, Sir, and I am sure you intend nothing else, that you should have the whole of what the witness says down upon your notes.

Mr. ASHWORTH (to the Coroner)—That, Sir, is your duty, and you will attend to it. But do let it be understood, once for all, that I will not be borne down by noise or clamour, you may depend upon it.

Mr. HARMER (to Mr. Ashworth)—Nor will I, either, Mr. Ashworth; nor shall any man living prevent me from faithfully executing the duty which I am here to discharge. And when I find, Sir, that, in repeating a witness's answer to the Coroner, you suppress and leave out a most material part of it, I shall feel it my duty to see that the Coroner has the whole answer. It is a course pursued in Courts of Justice every day, and one to which I never in my life heard the Judges of the land object.

Mr. ASHWORTH (to Mr. Harmer)—I was repeating the question again, Sir, and not giving the answer at all; and therefore it is perfectly useless to interrupt me, and I have told you, again and again, that these interruptions are very unprofessional.

Mr. HARMER (to Mr. Ashworth)—When you, as Counsel for the accused, repeat only *part* of a witness's answer, I shall take the liberty of repeating the *whole* of it, whether it be unprofessional or not.

The CORONER (to Mr. Harmer)—Mr. Harmer, it is a thing done very frequently by you.

Mr. HARMER—I beg leave, with deference, to say, that it never has been done by me, Sir.

The CORONER—I say it has.

Mr. HARMER—The Jury will judge of that.

The CORONER—You are rather too free with the Jury also, and I shall give some evidence of it after a little while.

Mr. ASHWORTH—I wish you would, Sir.

Mr. HARMER—I dare any man to prove that I have been free with the Jury. I never have had any communication with them, and I defy any man, with truth, to make that accusation.

The CORONER—It is made.

Mr. HARMER—I say, Sir, the charge is false. It is an attack upon my character, which I will not suffer to be made without denying it in the most positive and unequivocal terms.

The CORONER (*to the gentlemen sitting at his own table*)—Take that down.

Mr. HARMER (*to the short-hand writer*)—I request you, Sir, will take it down also.

The CORONER (*to Mr. Harmer*)—I will not suffer this interruption.

Mr. HARMER (*with considerable warmth*)—I will not quietly have my character attacked and impugned in this way. You have stated, Sir, that I have made too free with the Jury, and that you will prove it; I defy you to prove any thing of the kind.

The CORONER—Conduct yourself with a little more decorum.

Mr. HARMER—I have conducted myself throughout with decorum, Sir, but I will not suffer my character, which I trust stands as high as that of any person here, to be attacked in this kind of way with impunity.

The CORONER—Your character will be judged by your conduct.

Mr. HARMER—I have no objection to that ordeal, and I trust every other man's character here, will be tried by the same criterion.

Mr. ASHWORTH—Well, we had better go on quietly.

Mr. HARMER (*to Mr. Ashworth*)—I hope we shall go on quietly, Sir; it is my most anxious wish; but if such an accusation was addressed to you, would you bear it with patient silence?

Mr. ASHWORTH—I mean as to the witness we had better go on quietly.

The cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. You said that there was a great confusion on the Cavalry coming up?

A. Yes.

Q. And you said, I think, that you did not come to the field with John Lees?

A. No; I did not come to the field along with him.

Q. Had you, before the Cavalry came up, spoken to him at all?

A. No; not at all that day. I will tell the truth, and nothing but the truth, as far as my knowledge.

Q. Where was he when the Cavalry came up?

A. He was on the lower side of the hustings.*

Q. Was he on the lower side of the hustings, or on the hustings themselves?

A. No; he was on the lower side of the hustings.

Q. Had he been on the hustings before that time?

A. Yes.

Q. How far were you from him?

A. Do you mean the distance I was from him, when I first saw him?

Q. No; how far were you from him when the Cavalry came up?

A. I was on the other side of the hustings when the Cavalry came up.

Q. That is not an answer to my question. I ask you how far you were from him when you say this blow was struck?

A. Not above eight yards, to the best of my knowledge, for I was on the right side.

Q. When the Cavalry came up, it was some time before the blow was struck?

A. Some little time.

Q. How much. Was it five minutes?

A. Yes; I think it might be better than five minutes; but I cannot pretend to speak positively, because the people were so frightened with the Cavalry coming up.

Q. Stop! stop! Sir. Not quite so fast, only answer my questions. From the time of the Cavalry coming up until the blow was struck, were you watching John Lees all the time?

A. No; I cannot say that I was watching him all the time. I was too busy in minding myself.

Q. Then what made you tell me just now, that when the Cavalry came up, you attempted to escape, when it appears by your own statement, that five minutes elapsed before you saw the blow struck?

A. We were all doing our best endeavours to get away. The Cavalry were upon us, and trampling us all down before we could get away.

[Mr. Ashworth was here about to put another question immediately, without waiting for the answer to be written on the Coroner's notes.]

Mr. HARMER (to Mr. Ashworth)—Now, I would ask you, Sir, has time been allowed to take down that answer?

The CORONER (to Mr. Ashworth)—Put it to him again.

The cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you not say just now, that when the Cavalry came up, you made the best of your way from the field?

A. Yes, as well as I could, you know.

* The ground rises in St. Peter's-field, from the entrance at Deansgate to the houses where the Magistrates were assembled.

Q. Did you get away?

A. Yes; as soon as I possibly could. I was brought away in fact by force of arms by the Cavalry, who were driving the people; and I was obliged to run into a house to save myself, for this trumpeter swore "By Jasus I will cut you down," and I was obliged to run into a house for safety, or I don't know but my life might have been sacrificed, as well as any one else of the wounded.

[*Mr. Barrow here laughed.*]

Q. Do you mean to state that in the time of the Cavalry coming up, and the time you saw John Lees struck, and the time of your getting away, five minutes elapsed?

A. Yes, and more than that, before I could get away.

Q. What do you mean, pray, by getting away?

A. I mean getting off the ground.

Q. Before the Cavalry came up, you state you were within eight feet of the hustings. Do you mean to state that you were confined to that place all the time?

A. No, not precisely to that place all the time; but I was confined from the confusion among the people, and I could not get away.

Q. How far were you from the hustings, after the Cavalry came up?

A. I cannot tell you to say how many yards, because there were so many people, but as I was passing, I saw this man struck.

The CORONER (*to the Witness*)—That is not the question.

Cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. That is not the question, Sir. As you attempted to do every thing to get away, how far were you from the hustings when you saw John Lees struck?

A. Not many yards. We could not get away. We could not, indeed.

Q. Then do you mean to state that, after the Cavalry came up, you made your best endeavours, as soon as they did get up, to get away, but you could not get many yards in five minutes?

A. I could not.

Q. Now let me understand you clearly. You endeavoured to make the best of your way as soon as the Cavalry came up, and yet in five minutes you could not get many yards from the hustings?

A. No.

The CORONER—That will do.

Cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Come, that is right. In attempting to get away you turned your back towards the Cavalry?

A. The Cavalry were round us.

Q. But did you not flee from the Cavalry ?

A. Yes, as well as we could ; but they surrounded us.

Q. Did the Cavalry surround you in coming up to the hustings ?

A. There were three or four round me. I had to cross them.

Q. I ask you, did they surround you in coming up to the hustings ?

A. No ; not in coming up to the hustings. I had to cross them on the inside.

The CORONER—I do not understand this (*to Mr. Ashworth*)—Make him explain this.

Cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Why did you cross them ?

A. Because I could not get away in any other way.

Q. In what direction did they come up ?

A. They came up of this side and that side.

The CORONER (*to the Witness*)—Did they come up on both sides ?

A. Yes, on both sides of the hustings.

Cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Do you mean they came up in different directions. Some coming from Deansgate, and some from a contrary direction ?

A. No. When they came up to the hustings they turned this way and that way.

Q. What, opened out ?

A. Yes, opened out, and came round the hustings.

Q. Do you mean when they came round the hustings, that you were enclosed between them and the hustings ?

A. No, not between them and the hustings.

Q. Then you were on the outside of them ?

A. I was not outside the field, but outside the Cavalry. They were galloping, however, all round the field afterwards, but at first I was outside of them that were round the hustings.

Q. Do you mean to say that before the hustings were surrounded any part of the Cavalry came to the right or left ?

A. Yes ; they came on the other side and surrounded it, and the rest of the Cavalry were galloping round the field.

Q. Then others, while those who surrounded the hustings, were doing so, were galloping round the field ?

A. Yes ; dispersing the people.

Q. Where were you, at the right or at the left of the hustings, at the time the Cavalry opened to the right and left ?

A. I was on the left side from the houses there. That is, the left side of the hustings as we went in.

Q. That is, as you faced Deansgate ?

A. No.

Q. Were you on the side of the hustings next the houses ?

A. No. I was on the other side facing the houses.

Q. Then you were on the right side of the hustings facing Deansgate?

A. Yes.

The CORONER—That is the lower side of the hustings?

Mr. ASHWORTH—Yes, Sir.

Cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. You were in great agitation and alarm?

A. Yes. For I was afraid of myself.

Q. Without a doubt!

A. Yes; and so I suppose all that were there, were.

Q. Why, one of the Cavalry-men came up to you and threatened you?

A. Yes. That was after they came into the streets and drove us before them.

Q. Why did you not just now tell us, that you were driven away from the hustings, and threatened in this manner by one Cavalry-man?

A. Yes.

Q. Was that by one of the Cavalry who were galloping over the field, as you say, or one of those that opened to the right and left and surrounded the hustings?

A. I cannot say whether it was one of those that surrounded the hustings, or one of those that were galloping over the field.

Q. Then you cannot say whether it was the part that came in one way or another?

A. No, I cannot.

Q. Did you see any one man near you, that was in fact actually cut with the sharp edge of a sword?

A. I stepped over one man that was down, but I did not see him struck.

Q. Answer my question. Did you see any man cut with the sharp side of a sword?

A. No. I saw no man cut with the sharp side of a sword.

The CORONER—Let me take the first answer first—Now go on.

A. I saw no man cut by the Cavalry with the sharp side of their swords, but John Lees was struck; but I cannot say whether it was with the sharp side of a sword or not.

Q. Where were you at that time. How far were you from John Lees then?

A. I do not suppose I was more than three or four yards from him.

Q. How came you to see that; were you not too busy in taking care of yourself?

A. Yes, I had enough to do, to take care of myself, but I saw this as I was passing.

Q. Do you mean that they allowed you time to look about you?

A. They allowed no one much time to look about, but a man

can turn his head, and keep on running, can't he? At least I can, I know, whether you can or not.

Q. What then you were running as you turned your head, were you?

A. Yes, as fast as the crowd would let me. But the people were so frightened, and there was so many of them, that they tumbled over each other, so that I could not run very quick; but, however, I ran away, as fast as ever I could run for the crowd.

Q. What do you mean by *running*, when you told me a short time ago, that you could not move, for more than five minutes?

A. I could run after the people were frightened a little, could not I, when the ground was a little clear?

Q. Do not ask me questions, Sir, but answer. Such kind of conduct is very indecorous and improper.

A. I will answer your questions, Sir, to the best of my recollection.

Q. What then do you mean, by talking about running, when you have just told me, that at the time you saw Lees struck, you were not more than eight yards from the hustings, and three or four yards from Lees, and you were running away and looking back?

A. Why, we were all running as fast as we could.

Q. Still you say you were five minutes before you could move?

A. Why there was so much crowd, and the confusion was so great, occasioned by the Cavalry, that we could not run very quick, and it was, I dare say, five minutes before we could well get away.

Q. Then how came you to tell me you were running, if in fact you could not get away?

A. I do not wish to have any contention with you, nor I do not intend you shall cross me so.

Q. I cross you, Sir, because I suspect you. Now, were you running or not?

A. I was running as fast as the crowd would let me.

Mr. HARMER (*to the Coroner*)—Really, Sir, I must object to this course. Here is a barrister, who openly tells a witness in a court of justice, that he *suspects* him; such an observation I never before heard made by a barrister, to a witness in a court of justice.

Mr. ASHWORTH (*to the Coroner*)—The observation is general, and I have a right to make it.

Mr. HARMER (*to the Coroner*)—I submit, Sir, that the learned counsel has no right whatever to make such an observation. A witness is not to be castigated in that kind of way.

Mr. ASHWORTH (*to the Coroner*)—I submit, Sir, when a witness answers questions in an improper manner, it is perfectly admissible for counsel to correct that impropriety of conduct. It is continually permitted by the Judges.

Mr. HARMER (*to the Coroner*)—I say, Sir, there is no Judge who would not protect a witness when such language as this was offered to him by any barrister. It would not be endured in any

other Court of Justice, for a counsel to tell a witness that he suspected him, and I am sure, so far as I have observed the conduct of this witness, he has given no ground for the learned gentleman's suspicions.

MR. ASHWORTH (*to the Coroner*)—Really, Sir, these interruptions to our proceedings are intolerable, and I hope you will exert your authority to put a stop to them. It is an insult to the Court, and I never saw such pertinacity manifested in any case in my life. What end or object it can have in view, I really cannot conjecture, but it must have some object.

MR. BARROW—Mr. Harmer is continually putting in his observations when our witnesses are being examined.

MR. HARMER (*to Mr. Barrow*)—I deny it, I do no such thing.

THE CORONER (*to Mr. Harmer*)—But I say you do.

MR. ASHWORTH—I shall proceed.

MR. HARMER (*to the Coroner*)—But I doubt, Sir, whether a gentleman attending here professedly in the behalf of the accused, can be suffered to cross-examine witnesses at all. In fact, Sir, I conceive that he cannot for a single moment be allowed to pursue the course he is now pursuing in such a capacity.

MR. BARROW (*to Mr. Harmer*)—Mr. Ashworth is not attending here for the accused.

MR. HARMER (*to the Coroner*)—Mr. Ashworth himself has said, that he was attending here for the accused, and therefore I submit that he is not authorised in cross-examining the witnesses, in that capacity.

MR. BARROW (*to Mr. Harmer*)—He never did say any thing of the kind, Mr. Harmer.

MR. HARMER—I am obliged once more, Mr. Barrow, to contradict you. I tell you flatly he did.

MR. BARROW—He did not, *not to my knowledge*.

MR. HARMER—It is most extraordinary, Sir, that you will presume thus to make an assertion, your own consciousness of the impropriety of which suggests this sort of qualification.

MR. BARROW made no reply.

MR. ASHWORTH (*to the Coroner*)—I am attending here, Sir, and I have given in to you the authority by which I do attend here—(*to Mr. Harmer*)—If the Coroner is satisfied with that authority, it is not for you to arraign me; but I do now ask, by what authority *you* appear here? You say you appear here in behalf of the step-mother of the deceased?

MR. HARMER—Yes, I do.

MR. ASHWORTH (*to the Coroner*)—I desire that the step-mother may be brought forward. Let us see people in their proper shape. Mr. Harmer has thought fit to ask me what is my authority for appearing here, and therefore, as I have given in my authority, Sir, and as I think you are satisfied with it, I should like to know what his authority is for appearing here.

THE CORONER—Very well.

Mr. ASHWORTH (*to the Coroner*)—Do you wish the step-mother to be brought forward, Sir?

The CORONER—Yes; if you wish it, now.

Mr. ASHWORTH—I do wish it, Sir, as soon as the examination of this witness is finished.

Mr. MELLOR (*the Constable of the Township*)—I should think, perhaps, it might be proper to send for the father.

The CORONER (*to the Constable of the Township*)—Send for both.

Mr. MELLOR—The father is at Manchester, I believe, at present.

The CORONER—Let us drop it then for the present.

Mr. ASHWORTH (*to the Coroner*)—But I should like, Sir, to see in what capacity people attend here, and what objects they have in view, when we are to be attacked in this kind of way.

Cross-examination of the WITNESS continued by Mr. ASHWORTH.

Q. Were you then running, when the blow was struck at John Lees, or not?

A. At the time the blow was struck, do you mean?

Q. Attend to my questions, and answer them.

A. I could not run at the time the blow was struck, because of the crowd; but I did run afterwards.

Q. You have told me already, that at the time the blow was struck you were running?

A. I do not think I said I was running at the time the blow was struck; and if I did, it was a mistake. I was going away as fast as I could, and I saw John Lees struck in passing.

Q. Had you your face towards him?

A. Yes.

Q. All the time?

A. No; not all the time; before the time that the blow was struck I was passing in front of him, and at the time the blow was struck, my face was turned towards him.

Q. How long had you had your face towards him, when the blow was struck?

A. How long?

Q. Yes, how long?

A. Not many minutes when I passed him.

Q. How long had you your face towards him, when the blow was struck?

A. A few minutes.

Q. Will you swear, that you, taking the best course you could for your own preservation, and having the Cavalry upon you at the time, had your face turned towards John Lees, and your attention fixed upon him for a few minutes, before the blow was struck?

A. I had my face turned towards him when the blow was struck, and I will take my oath of that.

Q. Stop! Stop! Stop! Sir, recollect you are upon your oath; will you take upon yourself to swear, that you, making all the haste you could to escape, and being in all the confusion which you have described, had your eyes upon John Lees, for two or three minutes before he was struck?

A. Yes; I will, for two minutes.

Q. You were observing him all that time?

A. Yes; observing him in passing.

Q. For two minutes, then, you were observing him in passing with the Cavalry at your heels, and you at the same time taking the best care you could of yourself?

A. Yes; I was taking the best care I could of myself; but he was in front of me.

Q. Then you swear, that the Cavalry being upon you, and you making the best you could of your escape, your eyes were stedfastly fixed upon John Lees, closely observing him, for two minutes before the blow was struck?

A. I was observing him, but I was not observing him in particular for all the time.

Q. What other persons then, Sir, were you observing besides John Lees?

A. There were a great many persons there that I could not help taking notice of, but there was not any other person that I knew so well as John Lees. He was a neighbour to my father, otherwise I should not have known him.

Q. How, pray, do you know that this person who struck John Lees, as you say, was a trumpeter?

A. How do I know he was a trumpeter?

Q. Yes, Sir; how do you know he was a trumpeter? Take as much time as you like to answer my question. Hear my question and then answer it. If you do not understand it, tell me so, and I will repeat it?

A. Then I wish you would ask me all your questions as plain as possible.

Q. Then, Sir, how do you know the man whom you say struck John Lees, was a trumpeter?

A. Because I know a trumpeter when I see a trumpeter. I have been a soldier myself, and I should think I ought to know a trumpeter.

Q. Oh! you have been a soldier; have you ever trained any body?

A. No; I never did any thing of the kind in all my life, and I never attended any such like kind of things.

Q. Had this trumpeter blue clothes with white facings?

A. He had blue clothes.

Q. Had he blue clothes and white facings?

A. He had blue clothes, but I did not look at his facings particularly.

Q. Had he or not, to the best of your knowledge, white facings?

A. That is a question I cannot answer; I cannot speak to his facings positively.

Q. Had he any facings?

A. I do not know, I tell you; I did not take notice of his facings.

Q. Does the trumpeter of any regiment wear facings? You say you have been a military man, and surely you can answer that question.

A. Yes; he ought to have facings, I should think.

Q. Will you swear that it is common for a trumpeter to wear the facings of the regiment he belongs to?

A. I will not swear any thing about it.

Q. What sort of a horse did he ride?

A. I do not know what colour his horse was of; there was too much confusion to take notice of the colours of the horses in particular.

[Here a species of telegraphic correspondence appeared to be carried on through the medium of various gentlemen round the table at which the Coroner sat, suggesting interrogatories to be put to the witness.]

Q. You saw the Cavalry come up to the hustings?

A. Yes; as near as I could see them come.

Q. Did you see them coming up to the hustings?

A. Yes.

Q. Whereabouts did this trumpeter come? Where was he? Was he first or last?

A. He was with them.

Q. Was he at the head of them?

A. When I saw him, he was at the right of them on the lower side; I did not see them come into the field at first, but I saw them coming up to the hustings.

Q. And as they did come up, did he head them?

A. He was on the right of them.

Q. Did he come in front of them?

A. No; not when I saw him.

Q. How many yards was he from the first man?

A. You really ask me questions that you know I cannot answer. How can I possibly tell, in all that confusion, how many yards he was from the first man?

Q. Come, I will try you. Was he within ten men of the first man?

A. I cannot tell; I have told you so; I did not count the gentlemen.

Q. Was he amongst the first twenty men?

A. There were men at the hustings before he came up.

Q. Answer my question, Sir?

A. I cannot answer it more positively than I have.

Q. Was he, I say, amongst the first twenty men?

A. I really cannot tell you positively these kind of things.

Q. Was he amongst the first thirty men, I say?

A. I tell you I cannot tell.

Q. Was he amongst the first fifty?

A. Haven't I told you that I cannot tell positively as to any number?

Q. Well, was he amongst the first hundred?

A. I think I can say there was not a hundred there. Not with him when I saw him. I did not count, to speak exactly. To speak among them where he was, I don't think there was a hundred.

Q. However, he was amongst the first hundred?

A. To the best of my belief, there was not a hundred among them where he was.

Q. Where was it you saw him?

A. I saw him at the lower side of the hustings.

Q. Did you see them coming up to the hustings?

A. When I saw them they were within a few yards of the hustings before I saw them at all.

Q. Was he at the first of them, at the last of them, or at the middle of them then?

A. He was at the lower end of them then.

The CORONER (to Mr. Ashworth)—I beg your pardon, Sir; you go a little too quick for me. (*Here the Coroner wrote for about a minute.*) Now you may go on.

Q. Then he was not the first of them, leading them into the field?

A. No.

Q. When was it, pray, that you were first examined upon this subject?

A. This melancholy business, do you mean?

Q. Yes; this melancholy business, as you call it?

A. Only yesterday.

Q. Only yesterday?

A. That was all. I did not know any thing of it until I was sent for.

Q. Who was it that told you you were sent for?

A. A young man told me that I was to come.

Q. Who was it told you that you were to come?

A. It was another witness, who has been examined about this business.

Q. And, pray, what is that witness's name?

A. James Chisnell.

Q. And he told you you were to come here and give this sort of account, eh?

A. No; he told me I was to come here, because I was wanted, and to speak the truth. He told me I was wanted for that purpose.

Q. He told you that you were wanted. Who did he say wanted you?

A. He said the gentlemen at the meeting wanted me to come and tell the truth.

Q. What gentlemen?

A. He did not mention any particular names as to the gentle-

men ; but it was the gentlemen that came from Manchester, I suppose.

Q. What time of the day was it that you were spoken to upon this subject ?

A. It was yesterday.

Q. Yes ; but what time of the day was it ?

A. It was in the evening.

Q. Oh yes ! It was in the evening, Yes ! Yes ! Where did you live before this day ? Or where did you mention what you have to-day said, previous to the present time ?

A. What I said to-day ?

Q. Yes, what you said to-day. When did you mention to any body living, what you have stated to-day ?

A. Yesterday.

The CORONER—*Yesterday !*

Q. And you have heard from Chisnell, no doubt, that you were to be examined ?

A. No ; I heard nothing about it. I heard people talking about this business.

Q. But you did not hear from Chisnell that you were to be examined ?

A. No, I did not.

Q. Did you not hear Chisnell examined ?

A. No ; I was outside.

Q. Pray what might you be happening to do outside ?

A. I was standing talking to some more company below.

Q. Was it there you first mentioned all you knew upon the subject ?

A. Was it there I first mentioned it ? I mentioned it to Mr. Denison. He was the first man I mentioned it to.

Q. When ?

A. Last night.

Q. Where was Mr. Denison at that time ?

A. Below stairs.

Q. Were you in this house ?

A. No ; I was on the outside of the door.

Q. He came to the outside of the door ?

A. He was coming out of the door at the time I spoke to him.

Q. Well, Sir, I will ask you no more questions.

[*Mr. Denison here rose and addressed the Coroner :*—Will you be good enough to ask the witness at what time he spoke to me, and how long our conversation lasted ?

The WITNESS examined by the CORONER.

Q. What time was it last night when you first spoke to Mr. Denison ?

A. The first time was at the time they were getting the coaches ready to go off, and we were not five minutes in company together.

[*The Coroner here evinced more than an ordinary portion of deliberation in taking down the answers to his questions.*]

Q. Was it all in the street?

A. Yes; at the door here.

Q. Did you not go into any house with him?

A. No.

Q. That is the first time you saw him. When did you see him again?

A. Not until to-day, when I saw him in the carriage.

Mr. ASHWORTH (*to the Coroner*)—Will you be good enough to ask the witness whether Mr. Denison spoke to him first, or the witness spoke to Mr. Denison first?

The CORONER (*to the Witness*)—Did you speak to Mr. Denison first, or did Mr. Denison speak to you first?

A. It was another man, you see, who knew I was at the meeting, and who knew that I knew all about it, who told Mr. Denison I knew all about it, and then Mr. Denison sent for me.

Q. Was that Chisnell?

A. Yes, I believe he told Mr. Denison, I came and waited outside the house, and Mr. Denison coming out, I went up and spoke to him.

Mr. ASHWORTH (*to the Coroner*)—There is nothing more, Sir, that I wish the witness to be asked.

The CORONER (*to Mr. Ashworth*)—Very well.

The WITNESS re-examined by the CORONER.

Q. Did you say that you passed John Lees, after you saw him thus struck, as you have described, and left him in that situation, without helping him?

A. Yes; I was afraid to stop, for fear of my own life.

Q. Then before you left, you did not know whether he was hurt or not?

A. No, I did not.

Q. When the soldiers came up to the hustings at first, when you first saw them, what part of the field, or of the line, did they come from? Did they come from the houses?

A. No. It was the far side of the field that they came in at. It was at this end next the hustings.

The CORONER (*to Mr. Harmer*)—Is that clear to you? I understand that he was next Windmill-street at first. Do you understand so?

Mr. HARMER (*to the Coroner*)—Yes, Sir, that is what I have understood all along.

The re-examination of the WITNESS resumed by the CORONER.

Q. Then you were then on the higher side of the field?

A. Yes.

Q. Do you know that the land slopes from Windmill-street?

A. Yes.

Q. On which side did the Cavalry come?

A. They came first up to the hustings. They came afterwards on both sides.

Q. Did you see any body of constables there?

A. Yes, I did see them. They were abreast of the hustings.

Q. Now, I call that the higher part of the field. Did the Cavalry come in there?

A. They came in the same road in which the constables were; but after coming into the field, they divided themselves.

Q. Did you see them divide?

A. Yes, and coming that way.

Q. How do you know that they came in where the constables were?

A. They came in from that part where the constables were.

Q. Where were the Cavalry the first time you saw them coming to the hustings?

A. The first time I saw them, was a few yards from the hustings and divided; and that, as far as I could perceive, was the road the constables made for them; but I did not see it.

Q. Now, you say that when the Cavalry did come to the hustings, you were about eight yards from John Lees?

A. Yes.

Q. And you were on the opposite side?

A. Yes.

Q. At that time did you see John Lees?

A. Not exactly at that time when the Cavalry came up; but I saw him at the time when he was struck, as I was passing.

Q. Then when you were on the high side of the hustings, you did not know where John Lees was?

A. No, not at that present time.

The CORONER (*to Mr. Ashworth*)—Have you any witnesses to call?

Mr. ASHWORTH (*to the Coroner*)—Yes, Sir; there is a witness of the name of Glover, if you will be good enough to call him.

JAMES GLOVER called in, and examined by the CORONER.

Q. Where do you live?

A. In Manchester.

Q. What part of Manchester?

A. In Market-street.

Q. What are you?

A. A tavern-keeper.

Mr. HARMER (*to the Witness*)—Do you belong to the Manchester Yeomanry?

A. I do not, Sir.

Mr. HARMER (*to the Witness*)—Were you acting as a special constable on the 16th of August last?

A. I was.

Mr. HARMER (*to the Coroner*)—Then I beg to object, Sir, to this witness being examined.

Mr. ASHWORTH (*to the Coroner*)—I beg to say, Sir, that the objection is perfectly unfounded.

Mr. HARMER (*to the Coroner*)—And I beg to state the reason of my objection. At present you have it in evidence, Sir, before you, that John Lees was not only struck by one of the Yeomanry, but also by several of the special constables. I say that, *non constat*, this may be one of the special constables who so struck him, and if so, he is coming here to exonerate himself from criminality. Though the witnesses cannot recognise those that struck the deceased, yet they know they were special constables, because they saw their truncheons.

Mr. ASHWORTH (*to the Coroner*)—I submit, Sir, upon the *voyer dire*, the evidence of this witness is perfectly admissible. It is perfectly clear and settled law, that supposing he might be incapacitated at first, that his evidence may be set up again; but, however, in order to incapacitate a witness from giving testimony, the interest that he takes in giving that testimony in a particular way, must be something more than mere conjecture. The supposition that a person may, by possibility, be an interested person, is not sufficient to incapacitate him, I say, from becoming a witness. It is not merely because somebody, who held a particular situation on that day, did an improper act, that therefore every one, who held a similar situation, is incapacitated from becoming a witness. It is not to be necessarily inferred, that the person who now presents himself to give evidence is the person who did that particular act which is stated to have been done by a person in a similar situation. Some positive and direct interest must be shewn. Here, this witness is not brought even into the wide field of conjecture; and, therefore, I submit, that the testimony of this witness is perfectly free from exception. If I had taken so foolish an objection, as that every person who was at that meeting was incapacitated from giving evidence, on account of illegal acts done by some who were at the meeting (for I certainly mean to shew that it was an improper and an illegal meeting), the absurdity of such an objection would be manifest. Therefore, I say, that this is a captious objection. It is not only inconsistent with common sense and law, but it is inconsistent with all fair arguing. Therefore, Sir, I submit to you, that for any thing that has now appeared, this witness is perfectly competent to give his evidence.

[*The Coroner, after a considerable pause, examined the Witness in the manner following:*]

Q. How were you described? What mark or badge had you by which you were distinguished as a special constable?

A. I had a staff in my hand.

Q. Such a staff as constables always have?

A. Yes; a staff bearing his Majesty's arms upon it.

The CORONER (*after a pause of consideration*)—To the best of

my remembrance only two witnesses have spoken to injuries having been inflicted on John Lees, by constables; and if I am right, the dress of the constables was designated, but I do not know whether this witness was designated or not.

Mr. ASHWORTH (*to the Coroner*)—But there must be, Sir, something to shew direct interest. It must not be conjecture. If objections are to be raised against men of this sort, all the special constables present would be objectionable witnesses, and certainly I must prove to you the character of the meeting.

Mr. HARMER (*to the Coroner*)—I understood, Sir, that the character of the meeting was not to be contested.

The CORONER (*to Mr. Harmer*)—I will tell you how that was.

Mr. HARMER (*to the Coroner*)—But I beg, Sir, not to say a single word more about the point which is now before you. You will pursue your own course. It is quite enough for me to have taken the objection.

Mr. ASHWORTH (*to Mr. Harmer*)—But I must set that right. I told the Coroner I would not deal unfairly by him, and I said I must produce evidence, if necessary, to prove the character of the meeting. But upon this point I recollect a particular case which took place at Knutsford sessions, which was upon the subject of the rates, and where a witness was asked by Mr. Cross, whether he had rateable property in the township. He answered "I have." His evidence was then objected to on that ground, but Mr. Evans asked him, "are you rated." Mr. Cross then objected that it was not competent for Mr. Evans to set the witness right again in this manner. Mr. Evans contended that he had a right to do so. The magistrates decided in favour of Mr. Evans. And the question was taken up to the Court of King's Bench, and the Court of King's Bench decided that where you ask a witness a question, the answer to which disqualifies him, he may be asked a question to qualify him again. Here it is assumed that Lees was struck by this witness, and, therefore, it is competent for me to ask him whether he struck John Lees or not.

Mr. HARMER (*to Mr. Ashworth*)—That would be, in fact, asking him whether he is guilty or not.

Mr. ASHWORTH (*to Mr. Harmer*)—But I say this, that you must show a clear and distinct interest brought home to the party. That is not the case you suppose, because in the case which you put, a person is incapacitated by clear evidence of interest. Here there is no evidence of interest. There is nothing on the Coroner's notes to show that this witness has any interest at all, for the interest must not be a supposed conjectured interest. It is not sufficient to shew, that an interest may by possibility exist, but it must be a defined and ascertained interest; and no witness is to be rejected, on the ground of an objection on the footing of a supposed or possible interest; but it must be a clear and ascertained interest at the time, capable of being decided upon by a Judge whether it is an interest or no interest.

The CORONER (*to Mr. Ashworth*)—I wish to ask you, whether

you contend that it must be a possible interest or a positive interest ?

Mr. ASHWORTH (*to the Coroner*)—It must be a positive interest, Sir. It must be such an interest, for instance, as would be supposed to induce the witness to give testimony, which would influence a verdict one way or the other, as it might affect him for or against himself. It must be a clear ascertained interest, and that interest resulting from the event of the inquiry upon which he wishes to give his testimony. It must be such an interest as that he would be afterwards affected in consequence of the verdict being capable of being used for or against him. It must be some certain defined interest. It will not do if it is only a wide indefinite interest which may, in fact, be the subject of a discussion whether it constitutes an interest or not ; but it must be a clear positive interest, such as can be defined before a court, the quantity of which can be measured, and which can be clearly and manifestly ascertained whether it is an interest or not. Then nothing which has been given in evidence applies to this witness at all. And as it is suggested to me, by the gentleman by me, if he was, even now, on his trial, he might be acquitted, as there is no evidence against him ; and would then become an admissible witness ; he would be acquitted, and could then be examined ; a course which is every day's practice in Courts of Justice. Then is there any evidence against this party on which you could put him upon his trial ? And if you did put him on his trial, must he not be immediately acquitted for want of identity ? Clearly, then, there is no evidence to put him on his trial, and if you did put him on his trial, and could not identify him, he must be acquitted immediately.

Mr. HARMER (*to the Coroner*)—I submit, Sir, that he is, in fact, now upon his trial. Whether or not he is one of those persons who were concerned in the death of the deceased, is the question which the Jury have now to decide. It is proved that John Lees was struck by special constables ; it is true that we cannot identify those constables at present ; but if it is proved, which it has been, that John Lees was struck by persons of that description, the testimony of this witness is inadmissible, because he is, on that account, an interested witness. I admit the principle, certainly, that if a man is on his trial, and there is no evidence against him, he may be acquitted, and then become an admissible witness, but that is not the case of this person. John Lees is proved to have received violence from special constables, whose persons are not, at present, identified, but before this inquest closes they may be ; and, *non constat*, this very witness may be one of those special constables who used that violence to John Lees. The learned gentleman says, that if there was no evidence against a man upon his trial, he might be acquitted, and then become a witness. I admit this proposition, but before it can be ascertained that there is nothing to affect the accused, the prosecutor must have closed his case.

The CORONER (*to Mr. Harmer*)—I say that is not the question in point now.

Mr. HARMER (*to the Coroner*)—Well, Sir, I have taken my objection, and it is for you, Sir, to determine it, and not me. But I would suggest, what a pretty dilemma the Jury and yourself would be in if this man's testimony was received, and I was afterwards to prove that he was one of the persons that occasioned the death of John Lees. God forbid it should turn out so, or that I should be considered as making the accusation. I only put it as a supposition, and I say again, what a dilemma it would place the Jury in, if you, Sir, were to receive this man's evidence, and it afterwards turned out, that we identified him as one of those concerned in the destruction of the deceased.

Mr. ASHWORTH (*to Mr. Harmer*)—Then you had better identify him now.

Mr. HARMER (*to Mr. Ashworth*)—I never saw the man before, and as my witnesses are not present, how can it be supposed I can identify him now?

Mr. ASHWORTH (*to the Coroner*)—I would not call a witness, Sir, you may depend, that I knew was objectionable.

[*The Coroner here paused for a very considerable time, and appeared to ponder on the objection. At length he delivered his decision in the manner following :*]

I am of opinion, that from the evidence now before the Court, this man is a competent witness; but at the same time, understand me, I do not chuse to examine him until something further appears. (*To Mr. Ashworth*)—If you have a different witness, I will take him in preference.

Mr. ASHWORTH (*to the Coroner*)—Let it be understood, Sir, that I pledged myself in the beginning, it shall be from ignorance and not from design, that I will become instrumental in bringing before you a witness who is objectionable. It shall be ignorance I say, Sir, and nothing else; and I will not be induced by any consideration, knowingly, to call before you a witness who I know to be objectionable.

The CORONER (*to Mr. Ashworth*)—I say, from the evidence already given, I think this man is a competent witness; but I give it as my reason for not examining him now, that evidence given by a different party will have a greater effect.

Mr. HARMER (*to the Coroner*)—I appeal to you, Sir, whether my witnesses may be sent away for to-day, or whether they may be examined now. They have been several days attending here.—(*to Mr. Barrow*) I do not know how many witnesses you have here to-day?

Mr. BARROW (*to Mr. Harmer*)—I have got half a dozen, or seven.

The CORONER—That is, then, I think, as many as we shall be able to get through to-day.

[*Here some slight consultation took place as to the witnesses that should be examined.*]

The CORONER—I should hope we have very near had testimony enough (*looking towards the Jury*), it strikes me so.

Mr. HARMER (*to the Coroner*)—Several of those witnesses, Sir, that I have in attendance here, would only take up a very few minutes in their examination. The only purpose I have in calling many of them is, to identify the Yeomanry who committed acts of violence and outrage upon the people.

The CORONER (*to Mr. Harmer*)—What, at the hustings?

Mr. HARMER (*to the Coroner*)—At, or near the hustings, Sir, and acting upon the field.

The CORONER (*to Mr. Harmer*)—I will not hear of any thing that was done in any other part but at the hustings.

Mr. HARMER (*to the Coroner*)—Then, I have a witness here, Sir, whose testimony, according to your rule, I think will be admissible. His name is Hugh Williamson.

The CORONER (*to Mr. Harmer*)—Well, call him.

Mr. ASHWORTH (*to the Coroner*)—I might have a right, Sir, perhaps, to object to a witness of Mr. Harmer's being now examined, as I understood my witnesses were to be examined next; but, however, I will waive the objection.

HUGH WILLIAMSON called, sworn, and examined by the CORONER.

Q. Where do you live?

A. In Oldham-road.

Q. Is that here, or at Manchester?

A. At Manchester.

Q. What is your trade, or business?

A. I am a weaver.

Q. What, a cotton weaver?

A. Yes.

Q. Do you know any thing of the death of John Lees? Did you know him at all?

A. No, Sir.

The CORONER (*to Mr. Harmer*)—Well, Mr. Harmer, what is this witness to prove? You see he knows nothing about John Lees, nor how he came by his death.

Mr. HARMER (*to the Coroner*)—The witness had better withdraw, Sir, and then I will state to you, what I understand he is to prove.

The CORONER (*to the Witness*)—Well, you are to go out of the room.

[*The Witness here retired.*]

Mr. HARMER (*to the Coroner*)—This witness, Sir, I understand, saw the Manchester Yeomanry drawn up upon a spot adjacent to the field: he heard them receive some orders from one particular individual, and he then saw them galloping into the field, and heard them making use of certain expressions, indicative of their intentions, and which the witness will state to you.

The CORONER—Does he repeat any thing that we have heard took place at the hustings?

Mr. HARMER (*to the Coroner*)—No, Sir.

The CORONER (*to Mr. Harmer*)—Does he know, that those who were making use of those expressions, whatever they were, went to the hustings?

Mr. HARMER (*to the Coroner*)—That is already in evidence.

The CORONER (*to Mr. Harmer*)—It is not proved that any thing was done by them at the hustings.

Mr. HARMER (*to the Coroner*)—I have proved, Sir, what was done at the hustings by the Manchester Yeomanry.

The CORONER (*to Mr. Harmer*)—I want to know whether this man will say that they went into the field for the purpose of doing that.

Mr. HARMER (*to the Coroner*)—I submit, Sir, where persons are seen proceeding to a place where a particular offence is committed, and are heard, before they go into that place, to make declarations of their intention, those declarations are evidence against them?

The CORONER (*to Mr. Harmer*)—Whether they commit the offence or not?

Mr. HARMER (*to the Coroner*)—No, Sir; but I will shew they did commit an offence.

Mr. ASHWORTH (*to the Coroner*)—But you have decided, Sir, over and over again, that nothing is evidence but that which was done at the hustings; and, surely, all the party are not to be implicated in a serious charge, on account of the declarations of any one man.

The CORONER (*to Mr. Ashworth*)—I am going to see whether the witness can prove any thing that was done at the hustings.

The Witness, HUGH WILLIAMSON, was here called into the room again, and examined, in the manner following, by the CORONER.

Q. Were you on the ground where the hustings were on the 16th of August?

A. Yes.

Q. On what part of the ground were you on that day?

A. At this corner, near to St. Peter's.

Q. Near to St. Peter's church, do you mean?

A. Yes.

Q. How far from the church were you?

A. I cannot say exactly; but I suppose I might be twenty, or twenty-five yards from it.

Q. There is part of the land there called St. Peter's-street. Were you on that?

A. I was on the waste ground, on this side of the street.

Q. Were you near Dickenson-street?

A. Yes.

Q. How far were you from any part of Dickenson-street, do you suppose?

A. I cannot say.

Q. Give a guess, or an opinion?

A. I cannot say. I took no particular notice; but I was on the top of the stumps, between it and the church.

Q. Were you forty or fifty yards from Dickenson-street?

A. I cannot say on account of the number of people.

Q. But you are not a stranger to Manchester?

A. No; but I do not know which is Dickenson-street.

[*Mr. Harmer here handed over to the Coroner a large plan of the locus in quo to which the attention of the witness was then directed.*]

The examination of the WITNESS resumed by the CORONER.

Q. Now where were you; were you near Mosley-street?

A. Yes; I was near Mosley-street; when I was on the waste ground there, looking towards the hustings, Mosley-street was on my left hand.

Q. Can you give any opinion how far you were from the hustings?

A. I cannot say.

Q. Could you, from where you were, discover any thing that was done at the hustings?

A. Only by shouting and cheering.

Q. Could you hear them speak?

A. No; I could hear them shouting, and they said it was Mr. Hunt coming, but I could not see him beside another.

Q. Could you see the hustings?

A. I could see a multitude of people much higher than the crowd, and they told me they were standing on the hustings; but as for near it I could not get.

Q. Then you could not see any soldiers at the hustings, could you?

A. There were no soldiers there until I left the ground, only what I saw bring up at the dead wall.

Q. Do you mean that when you left, you saw the soldiers?

A. Yes.

Q. Where were they?

A. They were down near to that dead wall (*pointing it out on the plan*); I saw them at a distance off.

Q. After you left the field, did you come on again?

A. Yes.

Q. When?

A. When I came to a street called Portland-street.

Q. But when you had left the ground once, did you go to it again that day?

A. No, Sir.

The CORONER (*to Mr. Harmer*)—Then this is certainly not admissible evidence.

Mr. HARMER (*to the Coroner*)—I wish to ask the witness, Sir, whether he saw any, and what Yeomanry Cavalry, galloping into, or towards the field?

The CORONER (*to Mr. Harmer*)—I shan't put that to him.

Mr. HARMER (*to the Coroner*)—Well, Sir, it is for me to produce the witness, and to suggest a question to be put to him, which I conceive to be a legal question ; and if you will not suffer that question to be put, of course I cannot help it.

The CORONER (*to Mr. Harmer*)—It is not admissible testimony. It is not applicable to the case.

Mr. HARMER (*to the Coroner*)—I wish, Sir, also, to ask him whether he heard any directions given by any body, and whom, to that body of Yeomanry, before they galloped into the field, and whether the Yeomanry, in his hearing, made any declarations as they were galloping in? I will put the question, Sir, with your leave, and you will, if you think proper, stop the answer.

Q. (*to the Witness*)—Did you see any person giving directions to the Yeomanry, just before they went to the field?

A. I did.

Q. Who was it gave those directions?

A. I heard Mr. ———

The CORONER—(*to the Witness*)—Hold your tongue, Sir, hold your tongue. Don't answer that question.

Mr. ASHWORTH—(*to the Witness*)—Stop, stop, Sir! you know you ought not to answer that question, and why will you do it?

Mr. BARROW (*to the Witness*)—Stop. He does it on purpose, because he knows that he ought not to answer the question.

[*The Coroner, Mr. Ashworth, and Mr. Barrow, raised their voices in the utterance of the above sentences, so as to stifle the voice of the Witness, and thereby rendered the remainder of his answer inaudible.*]

Mr. ASHWORTH (*to the Coroner*)—Really, Sir, I hope this course will be put a stop to. It is imposing on and insulting you, Sir : you have decided, that such a question ought not to be put, and still this gentleman, with the same pertinacity, will continue to put questions which he knows and believes are objectionable. Some improper purpose is to be advanced by this conduct, and I do really wish, Sir, that the step-mother may be produced, in order that we may see this gentleman's authority for appearing here.

Mr. HARMER (*to the Coroner*)—I submit, Sir, that I have a right to have that second question answered.

Mr. ASHWORTH (*to the Coroner*)—Really, Sir, I hope you will not suffer this indignity to be offered to the proceedings of a Court of Justice. After you have again and again decided, that evidence of circumstances which did not take place at the hustings, is not admissible, this gentleman continues to call witnesses who are to give the same evidence. Does he mean to say, Sir, that your decisions shall be set at nought, and is he to be permitted to pursue this course, nobody knowing who he is, or by whom he is employed, for I understand he is not employed by the relations of the deceased?

Mr. HARMER (*to Mr. Ashworth*)—Do you make that assertion, Sir, without calling the witness whom you have talked about to prove that your assertion is correct?

Mr. ASHWORTH (*to Mr. Harmer*)—I understand, Sir, that you are not employed by the step-mother of the deceased.

Mr. HARMER (*to Mr. Ashworth*)—I say, positively, Sir, I am; and you must be careful how you make assertions when you have not truth to sanction them.

Mr. ASHWORTH (*to Mr. Harmer, in a loud and boisterous tone*)—I am not afraid, Sir, I am not afraid.

Mr. HARMER (*to Mr. Ashworth*)—Nor am I, Sir; I am not to be put down by clamour of this sort, Mr. Ashworth, any more than you.

Mr. ASHWORTH (*to Mr. Harmer*)—Nor am I, Sir. Nor will I be restrained from objecting when improper evidence is tendered, and indignity is offered to the Coroner himself.

Mr. HARMER (*to Mr. Ashworth*)—That is presuming that the Coroner neither knows his duty, nor how to protect himself.

Mr. ASHWORTH (*to Mr. Harmer*)—When you know this sort of evidence has been decided to be inadmissible, why will you persist in offering it?

The CORONER (*to Mr. Harmer*)—*You* are always presuming to dictate to me my duty.

Mr. HARMER (*to the Coroner*)—I trust I have not used any language unbecoming a gentleman; I have been repeatedly told there is an appeal if your judgment is wrong, Sir; but how am I to make my application to a higher authority hereafter, without I submit the evidence to you here, and have your decision upon it? Unless I bring this evidence before you, and when you reject it, I submit to you that it is legal evidence, how am I to have an appeal hereafter against your decision? Every man is fallible, and your decision here, Sir, may be wrong, as the decisions of others, even of the Judges of the land, are found frequently to be, and, therefore, surely I may be considered as meaning nothing personally offensive to you in the course I have followed.

The CORONER (*to Mr. Harmer*)—I will tell you the way. It is your business to hand to me in writing such question as you wish put to a witness, and then, if I find that such evidence as would be given in answer to those questions is inadmissible, you will have the benefit of my decision in that way.

Mr. HARMER (*to the Coroner*)—I did pursue that course once, Sir, and then you were not pleased with it, and refused to adopt it.

The CORONER (*to Mr. Harmer*)—In one instance you did do so, after I had so far examined your witness as to discover that he could not give proper evidence, but you never tendered me in the first instance, in writing, the evidence which your witness was to prove. Is that correct?

Mr. HARMER (*to the Coroner*)—That, Sir, was when the examination of a witness was stopped, before he was suffered to enter into any material facts.

The CORONER (*to Mr. Harmer*)—Upon your assurance that the witness was to prove something admissible, I examined him, and found that his evidence was inadmissible.

Mr. HARMER (*to the Coroner*)—Recollect, Sir, upon what occasion it was that that passed to which you are alluding. You asked the witness whether he knew John Lees, and whether he saw him cut. He said he neither knew John Lees nor saw him cut; and you said immediately, “Then your evidence is not admissible.”

The CORONER (*to Mr. Harmer*)—I deny that, it is not correct. It was a vast deal more than that.

Mr. ASHWORTH (*to the Coroner*)—I entreat, Sir, before we go any further, that this matter might be put upon its right footing. Sir, you have said that evidence of a certain description is inapplicable and inadmissible, and therefore I say, that if it is tendered again, that is an insult to you; but I again repeat, has not the learned Gentleman the full advantage of his objection, with respect to all the evidence which you say is inadmissible, if you have once laid it down that all evidence of that particular description is not receivable? Let the Gentleman who attends here for that purpose, take that decision down, and Mr. Harmer can then take any advantage that it will really entitle him to at any future period. After your general declaration, that evidence of circumstances that have taken place at any other part of the field but at the hustings is inadmissible, the learned Gentleman has the full advantage of your refusal to receive such evidence, therefore do not let him be continually producing the same sort of evidence, because it is an insult to the Court, and unhinges one for the moment. For my part I never saw such conduct pursued in the conducting any investigation whatever that I have witnessed here. It must be intended to have an effect upon the public mind, and I can only conceive it is intended to have an improper, an illegal, and an unfair effect upon the minds of the Jury. It is intended, in fact, to make the Jury themselves change places with you, and to make them usurp your office, and to make them the judges of what is legal and illegal, without any attention whatever being paid to you as the only legitimate organ through which they ought to receive the law. It is to make the Jury of their own accord, and of themselves, judges, whether evidence is legal or illegal when tendered. The object is in fact two-fold. It is directed, first, to dictate to the Jury and to inflame the public mind; and, secondly, to make a cypher of you, Sir. You will, however, take care, I trust, that those acts of parliament are carried into effect, by which you are invested with your power, and once for all determine that you will not have your decisions treated with that contempt that they have been treated. If you do not act firmly upon this point, Sir, you will have the same ground to trace over again.

The CORONER—I must say Mr. Harmer pays very little respect to any order of mine.

Mr. ASHWORTH (*to the Coroner*)—Let the Gentleman, if he be so advised, take any legal measures he thinks proper, to arraign the correctness of your decision, if it be doubted. Let him tender you a bill of exceptions, but do not let him be continually re-pro-

ducing evidence which you have broadly stated is illegal evidence. But there are some objects to be answered, which are inconsistent with the pursuing of any regular course.

[*Mr. Harmer here rose to address the Coroner.*]

The CORONER (*to Mr. Harmer*)—I will not hear you, Sir.

Mr. HARMER (*to the Coroner*)—Well, Sir, if I am to sit and hear all these observations of Mr. Ashworth's, and then my mouth is to be closed, and I am not to be suffered to answer him, I had better leave the Court at once.

The CORONER (*to Mr. Harmer*)—Well, what have you got to say?

Mr. HARMER (*to the Coroner*)—I was going to say this, Sir—that I certainly must have misunderstood the rule you laid down on Saturday last, when the discussion took place with respect to the admissibility of particular evidence. I certainly then understood the rule laid down was, that you would not hear any witness unless he would state to you positively that he saw the deceased wounded near the hustings. I may have been mistaken; but certainly that is what I understood the rule to be.

The CORONER (*to Mr. Harmer*)—I am surprised to hear you say so. I never laid down any such rule.

Mr. HARMER (*to the Coroner*)—Well, Sir, if that is the case, I must call those witnesses back again; because they can prove a great many most important facts, which, I understood, you quite rejected on Saturday.

The CORONER (*to Mr. Harmer*)—But I will not allow that. I will not examine witnesses twice.

Mr. HARMER (*to the Coroner*)—I now recollect, Sir, particularly, that you refused to let me ask the witnesses as to the names of particular persons who were extremely active about the hustings, unless they could prove that those persons actually struck John Lees.

The CORONER (*to Mr. Harmer*)—No such thing.

Mr. HARMER (*to the Coroner*)—Do you mean to say, Sir, that you did not refuse to let me ask the witnesses these questions?

The CORONER (*to Mr. Harmer*)—No such thing.

Mr. HARMER (*to the Coroner*)—This is most extraordinary.

The CORONER (*to Mr. Harmer*)—Well, if this is an open Court, I will take care to restrain all interruptions, the same as in any other open Court. I will not be subject to these insults. I said so before, and I now say so again, Mr. Harmer, that due respect is not paid by you to my situation as Coroner. As to myself, I care nothing about it. But as to the office which I fill, I should have some respect paid to me; and I must say, that Mr. Harmer pays the least regard of any one to any thing I say.

Mr. HARMER (*to the Coroner*)—I am very sorry, Sir, that you entertain such an opinion.

The CORONER (*to Mr. Harmer*)—So am I very sorry to be obliged to entertain it. Nobody wished more than I did, that this inquiry should be conducted in an amicable manner, and no one is more hurt than I am that it has not been so conducted.

Mr. HARMER (*to the Coroner*)—I am very sorry, Sir, that you

entertain the opinion that you have expressed; but, really, when the learned Barrister thinks fit to attribute to me bad motives, it is a duty which I owe to myself, and one which I must and will discharge, to repel such an insinuation.

Mr. ASHWORTH (*to Mr. Harmer*)—What other motives can you have?

Mr. HARMER (*to Mr. Ashworth*)—You know very well, Sir, that I have no bad motives.

The CORONER (*to Mr. Harmer*)—I am sure this investigation will never be closed—at least in no reasonable time. The time of the Jury and of myself and of the public must not be exhausted in this way; and you shall not interrupt the Court so frequently as you do. During twenty years I have held this situation, in all the cases I have had before me put together, I never had the interruptions that I have had in this case. I therefore desire, that I may have no more of these sort of witnesses called.

Mr. HARMER (*to the Coroner*)—Will you be good enough to inform me then, Sir, what description of witnesses you will allow me to call?

The CORONER (*to Mr. Harmer*)—Why, any that know any thing of what was done upon the ground.

Mr. ASHWORTH (*to Mr. Harmer*)—That is, at or near the hustings.

The CORONER (*to Mr. Harmer*)—Yes, about the hustings.

Mr. HARMER (*to the Coroner*)—Do you not allow me then, Sir, to call evidence to shew the conduct of these same military on the field, who were proved by the last witness to have gone into it?

The CORONER (*to Mr. Harmer*)—Yes, the same military; but how do you know they were the same military?

Mr. HARMER (*to the Coroner*)—Why, they were dressed in the same manner. And will you not allow me to shew the conduct of the same military coming immediately from the field?

The CORONER (*to Mr. Harmer*)—No; certainly not. You said just now that you wanted to shew their conduct going to the field.

Mr. HARMER (*to the Coroner*)—With respect to the last witness, unquestionably I did, Sir. Then may I be allowed to call witnesses to identify them on the field?

The CORONER (*to Mr. Harmer*)—Yes, under certain circumstances; but you said that you would prove by this last witness the conduct of this military, not only in Portland-street, but afterwards at the hustings.

Mr. HARMER (*to the Coroner*)—I beg your pardon, Sir. I said this witness would prove that he heard directions given to them near to the field, and that he then saw them galloping into the field, and heard them make use of some particular expressions in their way.

The CORONER (*to Mr. Harmer*)—But how could you trace them up to the hustings? How could you prove by him that it was the same body who were acting at the hustings?

Mr. HARMER (*to the Coroner*)—I did not attempt to prove it by him, Sir; but I say that he saw them galloping along Portland-street, and into the field. I prove by other witnesses that that very corps ranged themselves opposite to Mr. Buxton's house, and, upon receiving orders, galloped to the hustings and did the mischief, on account of which I charge them with murder.

The CORONER (*to Mr. Harmer*)—And none of these people are recognised as being at the hustings.

Mr. HARMER (*to the Coroner*)—I beg your pardon, Sir; the whole body are recognised as being at the hustings; and I again repeat the charge I made against them before, that if any one of them caused the death of an individual, they are all equally guilty of murder.

The CORONER (*to Mr. Harmer*)—In a manner which I never expected to have heard. (*To Mr. Ashworth*)—What is the name of your next witness?

Mr. ASHWORTH (*to the Coroner*)—Robert Hall, Sir.

ROBERT HALL called, sworn, and examined by the CORONER.

Q. Where do you live?

A. No. 8, Boom-street.

Q. What are you?

A. I am in the cotton line.

Q. What are you in the cotton line? are you a spinner?

A. No; I am a salesman.

Mr. HARMER (*to the Coroner*)—Just allow me to put a question or two to this witness, Sir. (*To the Witness*)—Are you one of the Manchester Yeomanry?

A. No; I am not.

Q. Were you a special constable on the 16th of August?

A. No, Sir.

The examination of the WITNESS resumed by the CORONER.

Q. Do you know any thing relative to the death of John Lees?

A. No; I never saw him to my knowledge.

Q. Were you in St. Peter's-field on the 16th of August?

A. Yes; in an uninhabited house, in No. 7, Windmill-street, commonly called Windmill-lane.

Q. What time were you there?

A. From half-past eleven to one o'clock.

Q. But to what time did you remain there?

A. I remained there until the time that Mr. Hant was taken off the hustings.

Q. Did you see him taken off the hustings?

A. Yes.

Q. Did you see the Yeomanry Cavalry come upon the ground that day?

A. I did.

Q. The Manchester Yeomanry, I mean?

A. Yes.

Q. Did you see any other Yeomanry there?

A. Yes; I saw the Cheshire Yeomanry there.

Q. Did you see any other Cavalry there?

A. Yes; I saw the 15th Hussars there.

Q. About what time did the Manchester Yeomanry Cavalry come on the field?

A. I cannot tell; but somewhere about a quarter past one o'clock. I am not certain; but I think it was about that time. It was from a quarter to half-past one.

Q. What part of the ground did they come to?

A. They came to the ground facing Mr. Cooper's and Mr. Buxton's houses.

Q. You had been there, then, two hours almost?

A. Yes; I dare say I was above two hours and a half there.

MR. ASHWORTH (*to the Witness*)—Before they came?

A. Yes; before they came.

The examination of the WITNESS resumed by the CORONER.

Q. What did you observe? How was the ground—was it covered with people?

A. Quite covered. I dare say there was above a hundred thousand people *at the time the Yeomanry made the charge*.

Q. But before, was the ground covered with people?

A. Yes; I dare say there was a hundred thousand people on the ground and in the avenues then.

Q. But what number of people do you suppose there was actually on the ground?

A. I dare say there was eighty thousand people on the ground.

Q. What did the Manchester Yeomanry do after they came upon the ground?

A. They formed themselves in the face of Mr. Buxton's house in line.

Q. At that time, had any person gone into the crowd on horse-back addressing them in any way?

A. No; I did not see any one. But do you mean people addressing from the hustings?

Q. Yes.

A. I thought you meant some special officer or magistrate who came into the crowd to read something to them. I certainly saw people come to the hustings and say something. I saw some carriage come under the hustings with people in it, if that is what you mean. But I beg your pardon, I thought you had the other meaning.

Q. Then the other was what I meant?

A. Then I saw nothing of the kind.

Q. What did you see at the hustings then?

A. I saw men coming on the hustings, and capering and dancing on it before the second cart came to it.

Q. Why, the hustings could not be erected before the second cart came?

A. Yes; there were boards thrown on the first cart.

Q. Did any of the people who got upon the hustings address the crowd round?

A. Yes; one person addressed them, and said that Mr. Hunt would soon come.

Q. Were you near enough to the hustings to hear that?

A. Yes. I was not more than fifteen yards from the hustings, in the window at which I stood.

Q. After the stage or hustings were erected, did you see any thing more?

A. As soon as the hustings were erected, I think the next cry was, "Make room for the Female Reformers." That was the ladies that were dressed in white.

Q. What was the next thing that took place after that?

A. The next, I think, was, a party coming up from Deansgate, with flags and a cap of liberty, and the cry then was, Hunt was coming. With that the band struck up "See the Conquering Hero comes."

Q. I thought the ground was very much crowded before that?

A. So it was.

[Here Mr. Bruce entered the room, and took a seat within the bar.]

Q. Where was this music?

A. Why, there was a band of music round the stage.

Q. And when was it they struck up this tune?

A. Why, when this body came from towards Deansgate. Somebody said, Hunt was coming; and as soon as ever they saw the body, and the flags, and the cap of liberty, they then struck up, "See the Conquering Hero comes."

Q. Was this body, a body of any note or consequence, in point of numbers?

A. I dare say there was a thousand of them. Then others came in from the direction of Dickenson-street, from Roydon and Oldham, and all the other places, with flags flying.

Q. What next?

A. Why, I saw all these people come, and then a chaise, or a kind of landau came up, with Hunt and Moorhouse in it, and a lady on the box, with the coachman, with a flag in her hand.

Q. Was there any other person in this landau?

A. Johnson was in it.

Q. And a lady, you say?

A. Yes; she was on the box with the coachman.

Q. Do you know who she was?

A. I think her name was Mrs. Files, but I do not know positively.

Q. Well, what did these people do that were in the landau?

A. They got upon the hustings.

Q. How many came with them?

A. Perhaps two or three thousand, after and before.

Q. What happened after that?

A. Mr. Hunt got on the hustings.

Q. How soon did he get on the hustings?

A. I dare say it was nearly ten minutes first. And he said—

Q. What did he say?

A. He asked for the hustings to be cleared, and somebody said—I think it was the Reporter of *The Times*, “he had been with him before,” or something of that kind.

[*Mr. Harmer here repeated to the Short-hand Writer, for the purpose of seeing whether he had taken them down, the last words of the witness's answer, “or something of that kind.” The whole had, however, been taken down before it was so repeated.*]

Q. Mr. Harmer says, that you used the words “or something of that kind.” Did you use those words?

A. No. The Reporter of *The Times* said that he had been with him before.

Q. Well, did he remain on the hustings in consequence of that?

A. Yes; he did remain on the hustings.

Q. Well, what next?

A. Hunt then made a small speech to the people round.

Q. What did he say? Did you hear?

A. The most particular point was, (he turned round with his face towards where I was, and that is how I heard it) as near as I can recollect, “If any one makes any disturbance here, put him down, and keep him down,” or some such expression of the same meaning. The Cavalry then came upon the ground, and he put up his hat and said, “See, they come in disorder,” as if to mean that they were not like military, and to put them off with a kind of a scoff, or sneer like.

Q. What next?

A. They then gave the Yeomanry three huzzas, with their hats and sticks hoisted up together.

Q. What next took place?

A. The Yeomanry flourished their swords, and, I suppose by the order of the Magistrates, charged among the people.

Q. What did they do?

A. I saw the trumpeter lead them up, and Captain Birley came next. The trumpeter waved his sword backwards and forwards in this way—[*Here the Witness made a motion with his right hand, as illustrative of his meaning*—and there was one person who stood stupid there. I do not know whether he was frightened or not, but he stood as if in defiance, and the trumpeter then damned him, and hit him with the flat side of the sword. I do not know whether he cut him or not. But he told him to get out of the way three or four times first. I did not see him bleed, and therefore I think he must have hit him with the flat side of his sword, or else blood would have come.

Q. Tell me how the soldiers set off, and proceeded, after having formed in line, in front of Mr. Buxton's house. How did they proceed into the crowd?

A. They proceeded with drawn swords, trotting, and some on the canter, but I did not see one gallop.

Q Did they set off in line?

A. No. The trumpeter and Captain Birley made way for the others, waving their swords in this way. [*Here the Witness made the motion with his hand, as before, for the purpose of illustrating his meaning.*]

Q. Did they come up in two and two?

A. No. Some were two and two—some were three and three—and some were four and four, indifferent. They came up with their swords in that way, that they would disperse any crowd.—They did not come in any military order.

Q. Did they proceed straight to the hustings, the whole of them?

A. The whole of the Cavalry, do you mean?

Q. Yes.

A. They proceeded to the hustings. As soon as Captain Birley and the trumpeter had made way, they all came up.

Q. Did some turn to the right and left, or did they all go up in a body?

A. When they came up to the hustings, some went round this way, and some went round the other way.

Q. They did not disperse, then, to the right and left?

A. The trumpeter came first, and Captain Birley came next, and then, perhaps, there were some stragglers.

Q. But did all the others follow them up to the hustings?

A. Yes.

Q. When they came up to the hustings, what did they do?

A. They secured the hustings.

Q. What more did they do?

A. They took the speakers into custody.

Q. Did you see that?

A. Yes.

Q. Did the soldiers come up first?

A. Yes.

Q. Did they take them first?

A. Mr. Nadin was there, and one of them cried out that Mr. Nadin had a warrant for Hunt. I do not know who it was; it was one of the officers, but I could not identify their faces.

Q. What was then done?

A. Mr. Nadin then got on the stage, and took Hunt off towards Mr. Buxton's house.

Q. Was any one else taken off with him?

A. Yes; but I cannot positively say who, as the crowd was increasing, and in great confusion.

Q. After Mr. Hunt was taken down to Mr. Buxton's house, do you know what was next done by the Yeomanry?

A. They began to disperse the crowd of people.

Q. In what way?

A. Not by any violence; only by striking with the flat sides of their swords; and I saw some lying down on the ground, but that might be done by the horses.

Q. Did you see any body cut?

A. There was nobody cut that I saw.

Q. Before that, had no other soldiers come on the ground?

A. Yes; at the outside of the crowd, there were some, and the 15th Hussars were coming.

Q. Where were the 15th Hussars?

A. Very near the cottage wall.

Q. When was it that you first saw other Cavalry on the ground?

A. When Hunt was very near to Mr. Buxton's house; that was the first time I saw other Cavalry on the ground.

Q. Were the Cheshire Yeomanry there?

A. Yes; they came riding round. They came in between two clay-pits; rather dangerous places for horses, but they came over.

Q. Did they proceed towards the hustings?

A. Yes.

Q. And did the 15th Hussars proceed towards the hustings?

A. Yes; and helped to clear the field along with the Yeomanry.

Q. Where were the Cheshire Yeomanry when the Manchester Yeomanry were at the hustings?

A. They were on the brow, towards St. Peter's-street; near St. Peter's-church.

Q. When they took Mr. Hunt into Mr. Buxton's house, what did they then do?

A. They cleared the field.

Q. What, all the soldiers, the 15th Hussars, the Cheshire Yeomanry and all?

A. Yes; there might be some of them certainly skirmishing the back streets.

Q. In what way were they clearing the ground?

A. Asking them to go about their business, and then some brick bats and stones were thrown, and even a pistol was fired at the Yeomanry. A pistol was fired at John Hulme.

Q. I wish to ask you whether before that, as the Yeomanry went up to the hustings, did they strike or wound any body to the right and left that they came near, as it appeared to you?

A. No; no such thing, not to wound them.

Q. Were the two that came up first, doing any thing more than what you have described was done by them?

A. No; they only moved their swords both ways, in this way; they said, "clear! clear! clear!" and they struck with the flat side both ways, as if to clear the way for the others to come up and surround the hustings.

Q. Was any stoppage made, or any interruption given to the Yeomanry in their way from Mr. Buxton's house to the hustings?

A. No.

Q. Did they proceed to the hustings regular?

A. Yes; if you mean about wounding, there was none.

Q. Only these two who went first struck any body?

A. It is impossible to say, when the others were throwing their swords backwards and forwards, whether they struck them or

not ; but if they hit them, they hit them with the flat part of the sword, and I did not see one man cut down, not with a sword.

Q. Then when was it that you first saw any interruption given to the soldiers, or any offensive act done towards them ?

A. After the hustings were surrounded, and after Mr. Hunt had been taken away, there were brick-bats and stones thrown ; I did not see any before.

Q. In what part of the field did you see the first brick-bats thrown ?

A. From the end of a bake-house there, in Windmill-street, and also from out of an entry or a bit of a court.

Q. Were they thrown at the Manchester Yeomanry ?

A. They were thrown at the soldiers : there was one man also, that I could tell if I saw him again, he was a soldier, either of the 31st or 88th Foot, who was shot at also out of a window in Watson-street.

Q. When the stones and brick-bats were thrown, were the 15th Hussars separated from the Manchester Yeomanry ?

A. They were in groups ; some of the Yeomanry with the 15th Hussars, and some of the 15th Hussars with the Yeomanry.

Q. Where was it you say the pistol was fired ?

A. The pistol was fired between a place called Jackson's-row and the Quaker's meeting-house ; but that was before, at John Hulme.

Q. Then the pistol was fired before the stones were thrown ?

A. No ; after the stones were thrown.

Q. Where was it that the pistol was fired at John Hulme ?

A. At the end of Jackson's-row, and I stood at the window, and saw the light and flash of it.

Q. Was it before or after this, that you saw the soldier fired at ?

A. After ; it was fired out of a window, or from the top of a house in Watson-street, and the soldier who was shot at, immediately clapped up his gun and shot through the window directly. I could tell the soldier again if I saw him, and I shall find him, no doubt.

Q. Was this before or after the other pistol was fired ?

A. Nearly an hour and a half afterwards.

Q. This was in Watson-street ?

A. Yes.

Q. Was the soldier an Infantry soldier ?

A. Yes ; but I believe the shot came near to Mr. Fox, and I believe it was intended for him ; but they were both nearly together.

Q. What was Mr. Fox ?

A. A Yeomanry man ; I also saw the same private who thought the shot was intended for him, and who shot through the window, I saw him, I say, thrown at several times, in Watson-street, Mount-street, Newbury-street, and Lad-lane ; and by himself with his gun in his hand, he followed them up the different streets, while they kept throwing at him all the way.

Q. He did not fire at them ?

A. No, not before he was thrown at.

Q. Did he fire at them again, after having fired into the house ?

A. That was afterwards.

Q. When was this he fired into the house ?

A. It was between half-past three and four o'clock in the afternoon.

Q. In what direction was that, from the meeting-house ?

A. That was the left-hand side from the meeting-house.

Q. Did you say, you saw any body lying on the ground ?

A. Yes.

Q. When was that ?

A. That was when the field was almost clear.

Q. How long was it after Mr. Hunt was taken ?

A. At the time the Yeomanry were clearing the field, as near as I can guess.

Q. What part of the field was it ?

A. It was between fifty and sixty feet from Mr. Buxton's house, only more to the right than where the hustings were.

Q. What became of the Manchester Yeomanry Cavalry ?

A. Some of them might be down the streets.

Q. About what number charged ?

A. About sixty charged, I suppose.

Q. Well, you say, some were down the streets ; where were the others ?

A. They were formed into a square.

Q. What time was it that the square was formed ?

A. About half an hour after Hunt was taken away, or twenty minutes.

Q. Was it only the Manchester Yeomanry that formed a square, or, was it the other different bodies ?

A. Different bodies ; the Manchester Yeomanry, the Cheshire Yeomanry, and the 15th Hussars.

Q. Whereabouts was the square formed ?

A. On the same ground where the crowd had stood before.

Q. On what part of the field was it ?

A. It was near the middle of the field, but nearer to Mr. Buxton's house than the middle. It was not however far from the middle.

Q. How long did they remain in that state ?

A. I cannot say, I went out then. I was then persuaded by the constables, to act with them after the meeting was over, but not before.

Mr. HARMER (*to the Witness*)—Then in fact you were a constable ?

A. I was not a constable at the time of the meeting, or I should not be giving evidence here now ; and I was not a constable even then, but was only asked to assist the constables.

The examination of the WITNESS resumed by the CORONER.

Q. Then you left them formed in square, near the middle of the field ?

A. Yes.

Q. Did you come back again in the course of the day, to see the state of the place again?

A. Yes.

Q. Were they there then?

A. No, they were not.

Q. How long was it before you came back again?

A. It might be, I dare say, two hours.

Q. Now, when the military turned round from the hustings, when they first went up, did you see stones thrown at them?

A. Yes; after Mr. Hunt was taken, stones were thrown from those places that I have described: from the ends of streets.

Examined by Mr. ASHWORTH.

Q. You were first at the field about half-past eleven?

A. Yes.

Q. That, I believe, was before any of the large bodies came?

Mr. HARMER (*to the Coroner*)—I submit, Sir, that is not the way to examine a witness. This is directly a leading question.

The CORONER (*to Mr. Ashworth*)—Ask him in another form.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Was there at that time, any large body of people at the ground?

A. Very few. They kept increasing by divisions from the country coming up, some two and two, some three and three, and some four and four, in different bodies, with banners, and bands playing, and caps of liberty.

Q. Was the crowd formed principally by individuals who came singly, or was it formed by large bodies of people coming up together?

A. It was principally formed by large bodies of people coming up together.

Q. Had those large bodies of people each respectively something with them?

A. Several of them; I will not be certain as to all; but I dare say six of the bodies came with flags flying and caps of liberty, and bands of music before them. That is, a band of five or six different instruments.

Q. Did they come as people who were coming to market, or who were coming about their ordinary affairs, or in what way was their step?

A. They were not like people going to market, or about any affairs on business, but they came in martial order, marching just the same as a regiment. They marched as well as they could, you know. Some marched, and some could not march well.

Q. Were those bodies which you saw come to the field, composed of Manchester people?

A. There were some Manchester people came in singly; but the people about Oldham, Ashton and Royton, and so on, came in bodies just the same as if you were bringing in any troop or troops of men of any regiment.

Q. Did you see the inscriptions that were on any of the flags?

A. Yes; I saw a black flag, which was the nearest to the window where I was, and I think that black flag had "LIBERTY OR DEATH" upon it.

Q. You were, you say, fifteen yards from the hustings?

A. No further.

Q. How near was the black flag to the hustings?

A. It was close to the hustings. It was held up at the corner of the hustings on the right hand side, as near as I can recollect.

Q. Was it betwixt you and the hustings?

A. I am not certain of that. It was near to the end of the hustings: but I am not certain whether it was on the hustings or not. I am not certain whether the staff or stave of it was on the hustings or not, but it was held up close to the hustings.

Q. Were there any other flags near the hustings?

A. Yes, a great many. I think I counted caps of liberty and flags, either eighteen or nineteen. I think there were as many as that, but I am not certain.

Q. How many flags were there?

A. There were about half a dozen near the hustings, I think.

The CORONER (*to the Witness*)—What do you mean by near to the hustings?

A. Surrounding the hustings; close to them.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. And how many caps of liberty were there near to the hustings?

A. There were four upon the hustings.

Q. Was there any thing there *green* that you saw?

A. Yes; there was a green flag with gold letters on it, either gold letters, or in imitation of gold.

Q. Do you recollect what the inscription was, on that green flag?

A. I am not certain what inscription was on it.

Q. What other inscriptions did you see on any of the flags? You have said "LIBERTY OR DEATH" was on one.

A. There was "HUNT AND LIBERTY," "A FREE REPRESENTATION," "NO BOROUGHMONGERS," and on one of them there were some other expressions, but I do not know what they were, but the inscription ended, "— IS UNJUST AND TYRANNICAL;" another had on it, "NO CORN BILLS."

Q. Did you see any where, during the day, the words, "EQUAL REPRESENTATION OR DEATH?"

A. Yes.

Q. Where, upon a flag?

A. Yes, upon a flag.

Q. Was it near the hustings?

A. Yes; and there was something as I said before, about "— IS UNJUST AND TYRANNICAL." I took notes of some of them, but I have not brought my notes with me.

Mr. HARMER (*to the Coroner*)—The witness states, Sir, that he

has taken notes of the inscriptions upon these flags that he speaks of. I object, therefore, to his stating what those inscriptions were.

Mr. ASHWORTH (*to Mr. Harmer*)—Stop! stop! Sir—(*to the Witness*) Are you stating what was upon these flags from your recollection, independent of the notes you made?

A. Yes; or else if I had brought the notes, I could tell what the inscriptions were accurately.

Q. Had you yourself, as an individual, when you saw this immense assembly, and these inscriptions on the flags, any apprehensions about the consequences?

A. I cannot condemn them all.

Q. Did you fear the consequences, or did you expect that mischief would be the result?

A. By the behaviour of many I saw —

Q. You had a fear of the result?

A. I was not afraid of myself; but I thought of the consequences from seeing Mr. Hunt and others get on the stage, and even afterwards when I saw the people about the hustings.

Q. Did you see that day a dagger drawn upon any thing?

Mr. HARMER (*to Mr. Ashworth*)—Really, Sir, I must object to this mode of examination; this is a leading question, and you should recollect it is your own witness. The usual mode of examination is, to ask the witness, “What did you see?”

The CORONER (*to Mr. Harmer*)—I allow more scope to you than that. I allowed you to ask this, “Did you not see the soldiers strike the people?”

Mr. HARMER (*to the Coroner*)—You said that was a leading question, Sir, and desired me to discontinue that mode of examination.

Mr. ASHWORTH (*to the Coroner*)—I will not ask a single question at all irregular, and I will vouch my experience for that; but I state this, that a counsel is always allowed to ask a question leading to the subject, though not leading immediately to the particular thing under inquiry. As for instance, as the gentleman well knows, it is again and again permitted, when a quantity of wearing apparel has been stolen, to ask “How many shifts, how many shirts, how many pairs of stockings,” and so on, “were lost.” That is continually done and never objected to, because it is perfectly legal evidence; therefore I am entitled to ask the witness, what he saw near the hustings; and I may ask him whether he saw any particular thing, so long as it is not directly leading to the subject under discussion; and I may ask him, if he saw any where, near where the crime charged (if any crime is charged) was committed, a particular thing. I say that is permitted to be asked every day, and is legal evidence.

Mr. HARMER (*to Mr. Ashworth*)—But you asked, Sir, whether the witness saw on a flag a particular inscription.

Mr. ASHWORTH (*to Mr. Harmer*)—No, I did not.

Mr. HARMER (*to Mr. Ashworth*)—Yes, I beg your pardon; you

did. You asked the witness whether he saw on a flag the words, "EQUAL REPRESENTATION OR DEATH."

Mr. ASHWORTH (*to Mr. Harmer*)—I never asked any such thing.

Mr. HARMER (*to Mr. Ashworth*)—I wish only to leave it to the recollection of every person in the Court, whether you did not so put your question.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you see any where that day, a sword or dagger drawn? I mean as a picture.

A. Yes; I did.

Q. Where?

A. There were two; one was a bloody dagger, but I cannot say upon what flag it was.

Q. You saw the black flag?

A. Yes.

Q. Was it upon that?

A. I cannot say: it had a kind of a dagger upon it; but I cannot say whether it was upon that, that the bloody dagger was, or not. At least, you know it was in imitation of a bloody dagger.

Q. Now, you say, you saw the Yeomanry come upon the ground?

A. Yes.

Q. How did they come?

A. They galloped, as it might be, and formed in front of Mr. Buxton's house.

Q. Are you sure they galloped?

A. They rather did not gallop; but came at a kind of a canter of a trot or gallop. I dare say some might gallop in coming round the corner of the cottage garden.

Q. Did they come round the corner in disorder?

A. They came round the corner in something of a little disorder.

Q. They then formed?

A. Yes; they formed in line opposite Mr. Buxton's house.

Q. When was it that the shouts were?

A. As soon as ever they came upon the ground they were received with shouts.

Q. What kind of shouts were they, with which they were received?

A. It seemed to me as if they were a kind of shouts of defiance.

The CORONER (*to Mr. Ashworth*)—He has not before said any thing about shouting.

The WITNESS—Yes, I did; I said they waved their hats and sticks, and shouted.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. You say they raised their sticks?

A. Yes.

Q. Were the sticks numerous, or how many do you suppose there might be?

A. I saw, I dare say, at least a hundred.

Q. How did they raise them?

A. Some in this way, in their hands, flourishing them—[*Here the Witness raised his hand in the air, and shook it with some degree of velocity, as illustrative of his meaning.*]

Q. Did they push up any thing with their sticks?

A. They might not push any thing with their sticks, that I know about; but some shook their hats, some their hands, and some their sticks.

Q. Was there any thing in their conduct which, in your estimation, seemed as if they were inclined to oppose or irritate the military?

A. Yes; I thought their conduct seemed calculated to irritate.

Q. How long had the Cavalry and the Manchester Yeomanry been formed on the ground, before they moved towards the hustings?

A. Not many minutes.

Q. You have told us the manner of their moving towards the hustings; did you see any one individual, except the one whom you have mentioned, and who, you say, was remonstrated with and seemed stupid—Did you, I say, see any other individual struck by the Manchester Yeomanry in their way up to the hustings?

A. I did not:

Q. Were you near enough and in such a situation, as that you could see any one else struck, if such a thing had taken place?

A. I was at the side of the hustings. They struck the people, certainly, at the hustings, because the people would not disperse; but before that, they did not strike but one person: but those that they did strike, they struck with the flat part of their swords.

Q. Had that person, who was so struck before they came to the hustings, any thing in his hand?

A. Yes; he had a stick.

Q. In what position was that stick holden?

A. He held it in his hand, without raising it off the floor.

Q. Are you sure he never raised it?

A. Yes, he did lift it up; but I do not think with an intention to strike.

Q. What his intentions were, of course, you do not know?

A. No. I do not know whether he intended to strike or not.

Q. Did the Yeomanry, in coming up to the hustings, do any thing, which, in your opinion, was not necessary to the clearing of the way, and when they got up to the hustings, did they do any thing which in your opinion was unnecessary for the purpose of clearing them?

Mr. HARMER (*to the Witness*)—I beg you will state facts and not your conclusions.

Mr. ASHWORTH (*to Mr. Harmer*)—Why, what was done is evidence.

Mr. HARMER (*to the Coroner*)—The learned Counsel, Sir, is now proposing to ask the opinion of the witness, which is clearly not evidence.

Mr. ASHWORTH (*to the Coroner*)—I am asking the witness, Sir, whether any thing was done more than necessary to clear the hustings.

Mr. HARMER (*to the Coroner*)—I submit, Sir, that what the witness *conceives* to be necessary or unnecessary is not a fact; but merely the operation of his own mind, and is therefore inadmissible in evidence.

Mr. ASHWORTH (*to the Coroner*)—Good God, Sir! How am I to answer such objections as these? The witness is asked, whether more violence was used than was necessary to accomplish a legal object: it is every day's practice to ask witnesses such questions, and I never before heard it objected to.

Mr. HARMER (*to the Coroner*)—I beg to say, Sir, that such questions are always objected to.

The CORONER made no reply.

Mr. ASHWORTH—Well, then, I will get it in another way; but I wish I had somebody opposed to me who would not be perpetually taking objections for no manner of purpose.

Mr. HARMER (*to Mr. Ashworth*)—I object to an illegal mode of examination, Sir, because it is my duty.—(*To the Coroner*)—Does the Coroner allow the objection?

The CORONER (*to Mr. Harmer*)—Mr. Harmer has been allowed to put such questions.

Mr. HARMER (*to the Coroner*)—I beg your pardon, Sir; I never asked any witness his conception; I have only asked questions as to facts.

The CORONER (*to Mr. Harmer*)—But you have given your opinion as to the necessity of these measures throughout.

Mr. HARMER (*to the Coroner*)—Perhaps so, Sir; but merely in argument.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. What effect had the coming of the Yeomanry up to the hustings upon the people?

A. All I saw was one man hurt, the same as if with the blow of a stick.

Q. Were the people cleared away in the road—that is, in the way up to the hustings?

A. Between the hustings and the Yeomanry, they cleared them away as they came up to the hustings.

Q. Was any thing else done but clearing the way?

A. Not that I saw.

Q. Were the Cheshire Yeomanry and the 15th Hussars upon the ground before you saw any stones thrown?

A. No. They were coming upon the ground at the time, but they were not then upon the ground.

Q. Then at whom, when you first saw stones thrown, did you conceive them to be thrown?

A. At the Yeomanry.

Q. Was that after the hustings were surrounded, or when?

A. When they were surrounding the hustings, and after they had taken Hunt and them away. That was the time the stones were thrown.

Q. Was the conduct of the Yeomanry, after the stones were thrown, the same as before?

A. I did not see any difference, except in their following those who did throw the stones, or in their going to the part from whence the stones came.

Q. Did the Yeomanry come upon the ground with more rapidity and violence than any other party that you saw come upon the ground? I mean the Manchester Yeomanry?

A. No.

Q. You say the 15th Hussars came on the ground?

A. Yes, I did.

Q. And did they come at as quick a pace as the Yeomanry?

A. Yes. They came on the ground, with as quick a pace as what the Yeomanry did.

Q. What part of the ground did they come upon first?

A. They came somewhere near the cottage I believe; but I cannot say positively, whether they came round from the other end of Mr. Buxton's house, or whether they came from the end by the cottage: I am not certain. They were, at that time, taking the speakers from the stage, and I was looking at them; and then I heard a cry of "There are more coming on the ground;" and then I saw the 15th Hussars.

Q. Did the 15th Hussars come upon the ground in a body?

A. No; some came from one part and some from another.

Q. But did they all form in one situation?

A. Yes.

Q. Was the mode or manner in which the 15th Hussars came upon the ground the same, as to brandishing their swords and so on, as the Manchester Yeomanry came upon the ground?

A. Yes. The 15th Hussars and the Manchester Yeomanry, and the Cheshire Yeomanry, had their swords sloped so, over their shoulders—[*Here the Witness held his arm in such a position as that if he had a sword in his hand it would have been sloped over his shoulder*—and kept them so until they charged; and then flourished them in the same way as the Manchester Yeomanry, to clear away the crowd, as far as I know. They might have taken it in a different manner, but I did not see it.

Q. Had any body been cut with the sharp side of a sword, that you saw, by any body of men, before stones and brick-bats were thrown?

A. No.

Q. Had you seen any one man cut before the brick-bats were thrown?

A. No; I did not see one man that was cut with the sword, not upon the field. I did not see one.

Q. Did you see the ground before the crowd assembled?

A. Yes.

Q. Did you see any sticks and stones upon it, at that time?

A. I saw some sticks lying upon the ground; but there is another person who can prove about that better than me.

Mr. HARMER (*to the Witness*)—Do not tell us that. We are not to hear from you, Sir, what other people can prove; they must speak for themselves.

Mr. ASHWORTH (*to the Witness*)—You must not tell us that.

A. I did not know whether you wished to have it or not.

Q. Did you see any sticks on the ground before the meeting?

A. No more than usual.

Q. Have you known St. Peter's-field any length of time?

A. Yes; I have known it from ten to twelve years.

Q. How was it as to sticks and stones after the meeting was dispersed?

A. As for stones I did not take any particular notice of them, but as to sticks, there were a good many there after the meeting had been dispersed.

Q. Were they there, when you saw the ground before the meeting?

A. No; they were not there when I saw the ground before the meeting.

Q. How lately before the meeting took place, had you seen the ground?

A. I saw it about half past seven in the morning; I crossed the field about that time.

Q. What increase of sticks did you observe after the meeting had dispersed?

A. I don't know how many there were; I saw them picking them up.

Q. Can you not form some opinion how many there were?

A. There might be a hundred or two hundred picked up; I saw one man in particular with some sticks in his hands; I dare say he had 40 or 50, beside what other people picked up.

Q. Were the sticks you saw, all of the same size and thickness?

A. No; some were genteel walking sticks, some were ash plants, and some were great thick knob-sticks.

Q. I think you say you did not observe the stones?

A. No.

Cross-examined by Mr. HARMER.

Q. You state, I think, that you are a cotton-salesman?

A. Yes.

Q. What sort of employment, pray, is that? Are you a wholesale cotton-salesman?

A. It is selling the yarns or twisted cottons; but at present I am out of a situation.

Q. Oh! you are out of a situation, are you?

A. Yes.

Q. Pray how long have you been out of a situation?

A. About twelve months.

Q. And pray where have you been living during those twelve months?

A. Where have I been living during the last twelve months?

Q. Answer, Sir, and do not repeat my question.

A. Why, I have been living along with my father.

Q. How came these special constables to impress you into their service?

A. After coming down from the window where I had been sitting, I met some of the beadles with one Prinnett, and they took me, and said I must act along with them.

Q. Are you an acquaintance of this Prinnett's?

A. I am just as much an acquaintance with him as I am with you, by seeing you here, and in other places.

Q. Why, where have you seen me before you saw me here?

A. Why, I have not only seen you here, but I have seen you in London, and I know you, Sir, very well as a Solicitor in London.

Q. Well, Sir, I do not wish for your acquaintance any further.

Mr. ASHWORTH (*to Mr. Harmer*)—Nor he your's, Sir.

Mr. HARMER (*to Mr. Ashworth*)—Perhaps not.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Pray how happened it that Mr. Prinnett asked you for your assistance?

A. He asked me to assist him, because he knew me before.

Q. No doubt, he belongs to the police; but in what way did he ask you for your assistance?

A. He asked me for my assistance, and told me to get a stick or any thing, because I ought to have something; and I told him that I had been sworn in a constable about two years before, but I was not one then.

Q. Then you did go with him and the other parties?

A. Yes, I did.

Q. Have you heard any of the evidence that has transpired here before you came to give your evidence?

A. No; I have not.

Q. However, you did ultimately go with these persons?

A. Yes.

Q. And you then acted as a special constable?

A. Yes.

Mr. HARMER (*to the Coroner*)—Then you will understand, Sir, that you have been here receiving the testimony of a special constable.

Mr. ASHWORTH (*to the Coroner*)—Mr. Coroner, do not let the law be misunderstood upon that subject.

Mr. HARMER (*to the Coroner*)—The law! I should like to know

what description or definition the law of the land gives of "*a special constable*."

Mr. ASHWORTH (*to Mr. Harmer*)—I tell you, a special constable is a person sworn in by a magistrate, on a special occasion, to assist the regular peace officers of the country on that particular occasion.

Mr. HARMER (*to the Coroner*)—I say, Sir, that a special constable is a person who, considered in such official capacity, is a character unknown to the law of the land.

Mr. ASHWORTH (*to Mr. Harmer*)—I tell you, Sir, that a Court Leet has a power to appoint all regular constables, and the magistrates, at such court, have a power (I think it is by a Statute of Henry the 7th) to appoint other constables (if the regular constables are not sufficient for the preservation of the peace) and those constables are to serve for the year, unless other constables are appointed in their stead. I refer you for my authority upon this subject to "*BURN'S JUSTICE*."

Mr. HARMER (*to Mr. Ashworth*)—I think that is not so; but as you mention an authority, I will not, without referring to the book, venture positively to contradict you.

Cross-examination of the WITNESS in the Box, resumed by Mr. HARMER.

Q. Then you did act as a constable with these parties?

A. Yes.

Q. Were you a special constable or a regular constable?

A. I don't know.

Q. Had you been sworn?

A. I have been sworn since.

Q. When have you been sworn since?

A. On the Wednesday morning afterwards.

Q. On the Wednesday morning afterwards! why did you not state that before?

A. You asked me whether I had been sworn on that day. As to whether I had been sworn as a constable since, was not the question which you asked me.

Q. Very well explained, Sir; I will, however, leave that to the consideration of the Jury; but allow me to ask you this question: How happened you to get admission into this empty house?

A. I know a person who lives in Cannon-street, to whom the house belongs, and he admitted his friends and me to it, on the present occasion.

Q. Then you were not there for the purpose of watching the proceedings?

A. Do you mean to ask me whether I was there as a spy, or what?

Q. I did not ask you whether you were there as a spy. Your own imagination furnishes that supposition. I ask you whether you were there to watch the proceedings?

A. It was by my own will that I went to look at them.

Q. With the concurrence of any other person? Did you talk with any other person before you went to see this assembly?

A. Not with any one that I know in any office. I went there merely with another person to look at the meeting.

Q. And not to communicate to any other person what the proceedings of that meeting were?

A. I have communicated to you all I know; but I did not go to the meeting with that view.

Q. You saw the people arriving at this place in large bodies?

A. Yes.

Q. You also saw people come in promiscuously, who were Manchester people?

A. Yes.

Q. Were there not many women intermixed with the people that came?

A. Do you mean women coming in separate bodies?

Q. I mean altogether. Were there not some women even among the large bodies that came?

A. There were many women that came among the bodies.

Q. Were there not many women who came like stragglers, as you would call them?

A. Yes.

Q. Did they continue in that state, the women intermixed with the men, until the Cavalry came in amongst them?

A. Yes; just as they were assembled, so they stood.

Q. Then your answer is "yes;" they did remain intermixed as they came to the ground?

A. Yes.

Q. When Mr. Hunt arrived, was there any person that attempted to make any disturbance among them?

A. No.

Q. Did you not, upon your oath, hear Mr. Hunt request them to conduct themselves with peace and quietness?

A. I heard him make use of some expressions to request silence, and after that, he turned round towards the window where I was, and requested, that if any one made a noise, the people would put him down and keep him down.

Q. So anxious, then, was he, that perfect order should be kept in the assembly?

Mr. ASHWORTH (*to the Coroner*)—Really, Sir, I must object to this. This is a complete speech to the Jury upon the anxiety of Mr. Hunt.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Was he not anxious that peace and order should be kept?

A. Yes.

Mr. ASHWORTH (*to the Coroner*)—Really, Sir, I must object to this.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Did you not hear him state something about the meeting being peaceable and quiet?

A. I only heard the word "silence."

Q. Then that is not at all relative to the meeting being peaceable and quiet?

A. I believe that those are the words that he spoke, that I have said.

Q. Was not the meeting as peaceable and silent as it was possible for so large a meeting to be?

A. They were not very silent.

Q. Were they not silent, comparatively speaking, for a multitude?

A. I never saw such an immense meeting. It is impossible for such an immense meeting to assemble without some disturbance.

Q. But were they as peaceable as such a collection of people could be?

A. Yes.

Q. Previous to the Cavalry coming in, was there any disturbance; was there any riot?

A. No, I did not see any riot.

Q. Were the people tumultuous at all?

A. I do not know; I could not see them all.

Q. I only ask you, whether in any thing you saw, you perceived any tumultuous conduct in the people assembled?

A. I only saw the people falling out with one another under the hustings, to get places.

Q. What window were you looking out of?

A. I was looking out of a window of No. 7, in Windmill-street.

Q. But the first time that you were looking out of a window over the field, what part of the house was that window situated in?

A. It was the first floor and middle window.

Q. Did that window give you scope to look over the whole area, and did it give you an opportunity of forming an idea as to the whole that took place upon the field?

A. Yes, it did.

Q. You know the house where Mr. Buxton lives, in which the magistrates assembled that day?

A. Yes, very well.

Q. Could you see as far as that from the situation in which you stood?

Q. Yes, I could very well.

Q. What communication was there between that house and the hustings?

A. There was a line of constables.

Q. There was a line of constables, do you say, up to the hustings?

A. There was a line of constables up to within forty yards of the hustings towards the last house in the row; not Mr. Buxton's house.

Q. Was there a large or a small number of constables?

A. I do not know; perhaps there were a hundred or two hundred of them; I did not count them; my attention was directed to hear what was saying, and what the speakers said; and I took very little notice of what took place about the field at that time.

Q. Though you were engaged in looking at the hustings, and in observing that particular spot, still you observed no riot, tumult, or disorder, except what was occasioned by the Yeomanry coming up?

A. Certainly before that, I observed no tumult or disorder; but after that, when the Yeomanry came up, there were brick-bats thrown.

Q. We will come to the brick-bats presently. Do not be quite so quick in throwing them, if you please. At the time you arrived, I think you say, that in *your* estimation, there were nearly eighty thousand people in the field?

A. Yes; or more, in the avenues.

Q. But, according to your estimation, there were at least eighty thousand in the field?

A. Yes, there were.

Q. The Manchester Yeomanry came round the corner of the cottage wall?

A. Yes, they did.

Q. Some were galloping, some were cantering, and some were trotting?

A. Yes.

Q. And I think you said they were in some disorder?

A. Why, they came up to Mr. Buxton's house in some disorder.

Q. What was the occasion of that disorder? Was it occasioned by the quick pace in which they came to the ground?

A. I cannot tell.

Q. Did you ever before that see any regular troops drawn up in order?

A. Yes.

Q. Did you ever see any regular troops in such disorder as these Manchester Yeomanry were?

A. I have seen military troops in disorder sometimes.

Q. Have you ever seen them in such disorder as these Manchester Yeomanry were upon this occasion?

A. I cannot speak to that positively; but I think they were all regular.

Q. Did you ever see any body of the regular Cavalry, some cantering, some trotting, and some galloping at the same time?

A. Perhaps you may recollect that there were many different horses out on that day.

Q. I recollect nothing about it, Sir, because I was not present. You will, however, be good enough to answer my question.

A. I cannot speak to that.

Q. The people gave the Manchester Yeomanry some cheers?

A. Yes.

Q. Was it three huzzas?

A. I think it was three; but it might be more or less.

Q. Did you hear the people cheer, when the bodies of people came from Oldham and Royton and the other places?

A. Yes.

Q. Then tell us the difference between the cheers that were given to the people who came from Oldham, Royton, and Ashton, and the cheers that were given to the Manchester Yeomanry?

A. One was a cheer of pleasure, and the other was a cheer of defiance.

Q. Will you be good enough to draw, for the information of the Coroner and the Jury, the distinction that exists between a cheer of pleasure and a cheer of defiance?

A. I do not know that I can, properly.

Q. What was the kind of expression with which it was done? Were they not cheers of the same description as were given when the bodies of people came on the ground?

A. I do not know what every man cheers for; but it is my opinion that every man who cheered on this occasion, cheered in defiance of the Manchester Yeomanry.

Q. Why do you put that construction on it—that they cheered in defiance of the Manchester Yeomanry?

A. Why, certainly, when they spoke they said, “Let us give them three cheers.” That was spoken, though I do not know who by.

Q. And they gave three cheers accordingly?

A. I do not know whether they gave them three.

Q. Was it not “huzzas,” and recollect there were eighty thousand persons upon the field?

A. It was in the same manner as an huzza; but I really think it impossible to put a right construction upon that.

Q. Why then put the construction upon it that you have?

A. I have only given my own opinion, and I trust I shall be pardoned in doing so.

Q. The cheers were returned by the military?

A. Yes.

Q. Were they not the same cheers?

A. They could not be the same cheers, because they were given afterwards.

Q. Thank you, for correcting me; but you knew very well what I meant. You say that there were about a hundred sticks raised up at the time of these cheers?

A. Yes; or perhaps more.

Q. Will you say that there were two hundred?

A. No; but I saw some sticks raised in a kind of huzza.

Q. Supposing them to be two hundred, what proportion would that bear to this immense crowd of eighty thousand persons? Would it be an eight hundredth part?

A. Not so much as an eight-hundredth part.

Q. Do you happen to know whether there were any of your acquaintance in the Manchester Yeomanry that day?

A. Yes.

Q. I will thank you to name them?

A. There was a great many.

Q. I will thank you to name all that you know?

A. All that I am personally acquainted with, do you mean?

Q. I ask you for the names of all that you know. I don't ask you whether you are personally acquainted with them or not.

A. I know many of them by sight.

Q. Then give us their names?

A. I cannot recollect all their names.

Q. Then give us the names of all whose names you know.

A. Why, there was Benson—

Q. What is his Christian name?

A. I don't know his Christian name.

Q. Was not Mr. Fox also there?

A. I did not see Mr. Fox.

Q. Why, you said he was shot at?

Mr. ASHWORTH (*to the Coroner*)—Really, Sir, I must object to this course. I do not know what good purpose it can be attended with, thus to be pointing out particular men.

Mr. HARMER (*to Mr. Ashworth*)—I beg I may not be interrupted in this kind of way. I must have the names of all those that this witness knows.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Now, tell us the names of all the rest that you know. Captain Birley was there, you said?

A. Yes.

Q. He came in with the trumpeter?

A. Yes.

Q. Can you tell us the names of any more?

A. No, I do not recollect, at present, the names of any others.

Q. Did you see the Magistrates at the window of Mr. Buxton's house?

A. I saw some gentlemen at the window, but it was impossible for me to *indemnify* them.

The CORONER (*to the Witness*)—You mean identify them?

A. Yes.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Did you know them?

A. I tell you, I could not see them clearly, so as to know who they were.

Q. But did you see any of them when they went into the house? You might then know who they were.

A. It was impossible for me to see that.

Q. I thought nothing was impossible with you. How do you know that the Magistrates gave orders for the Manchester Yeomanry to charge upon the people?

A. I did not say so.

Q. We have your words down, Sir.

A. I said I *supposed* they must have given them orders.

Q. Why do you suppose that the Magistrates gave them orders?

A. Because I should think, in my opinion, that they would not go in among the people in that way, without the Magistrates orders.

Q. Do you know the trumpeter?

A. Yes.

Q. What is his name?

A. Meagher.

Q. Was it not your expression, that they were flourishing their swords when they came on the ground?

A. Yes, after the "hurra!" was given.

Q. Did they flourish their swords, when they came in among the people?

A. They flourished them the same as the others did when they came.

Q. Now, you have said that the 15th Hussars had their swords sloped. Were the swords of the Manchester Yeomanry so?

A. Some of their swords were sloped, and some were not.

Q. How soon did those, whose swords were sloped, take them from the slope?

A. I cannot possibly tell.

Q. They, however, very soon began to disperse the people?

A. Yes.

Q. Now, did they go in among them in a canter or a trot, from the situation in which they were drawn up in line?

A. I don't know.

Q. Why, you must know the paces of a horse?

A. I suppose you do, as well as me.

Q. Yes, I do; but I wish *you* to tell us at what pace they went, inasmuch as I did not see them?

A. Some came at a canter, and some at a trot.

Q. How far had they got to go before they got to the body of the people?

A. Perhaps they had forty or fifty yards to go, before they got to the body of the people. They might have come to a few before that.

Q. Will you swear that the body did not extend to within twenty yards from Mr. Buxton's house?

A. I cannot say exactly.

Q. Did not the body extend to within a few yards of Mr. Buxton's house?

A. I cannot say.

Q. Form some opinion. Did not the body extend to within twenty or thirty yards of Mr. Buxton's house?

A. I cannot say, positively.

Q. How many yards were there between the body of the people and the military; or, I should rather say, the Yeomanry?—[*Looking towards some officers of regular Cavalry and Infantry in the Court*].—I beg pardon for calling them military.

A. They were some paces from the Yeomanry. They were not up close.

Q. What distance were they from the Yeomanry?

A. Some were two or three yards from the Yeomanry, and some were five or six.

Q. I think you said that the Yeomanry did not halt in their way to the hustings?

A. I did not see them.

Q. How long did Mr. Meagher, the trumpeter, stop his career to expostulate with this unfortunate man, that you have spoken of, before he cut at him?

A. That was before. He stood still, but whether from stupidity or fear, I do not know which way to take it; but, however, he told him to go.

Q. You swear that, whether it was from fear or stupidity he stood still, you do not know?

A. I cannot tell the reason.

Q. Then, this humane trumpeter, to bring him to his senses, "damned him," and gave him a blow with his sword?

A. Yes.

Q. You will not venture to swear that blow was not with the sharp part of the sword?

A. I did not see any blood.

Q. Will you swear that it was not with the sharp edge?

A. I will not swear to either; but I think it was with the flat side.

Q. Did I understand you correctly, that others of the Yeomanry were flourishing their swords in their way to the hustings?

A. Some were, and some were not.

Q. Did you not before say, that they were flourishing their swords in coming up to the hustings, but in such a way that you could not tell whether they struck the people or not?

A. I only speak to one person being struck. They came as if they wanted to disperse the meeting.

Q. Did you not say just now, that they were flourishing their swords, but in such a way that you could not tell whether they struck the people or not?

A. Some of them were flourishing their swords.

Q. You will not get rid of my question, Sir, in that way. Have you not used those words, or some words to that effect, that they

were flourishing their swords, but you could not tell whether the people were struck or not?

A. Not exactly.

Mr. HARMER (*to the Short-hand Writer*)—Will you be good enough to refer, Sir, to the witness's own words?

The WITNESS (*in a hurry*)—But I do not mean to say that I did not say so.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. You don't mean to say that you did not say so?

A. No.

Q. Will you swear that nobody was struck with a sword?

A. How can I do that?

Q. There are many things which it is not for me to decide how you *can* swear; but *will* you swear that there was nobody struck with a sword besides this man you have spoken of?

A. I do not know.

Q. Will you swear that there were not women cut down, and many men too?

A. I did not see them.

Q. Will you venture to swear, Sir, that there were not?

A. I did not see them.

Q. That will not do. I will have an answer to my question?

Mr. ASHWORTH (*to Mr. Harmer*)—He did not see them, he says. How can he say more?

Mr. HARMER (*to Mr. Ashworth*)—He can say a great deal more, Sir, if he chooses.

The CORONER (*to Mr. Harmer*)—How can he tell what he did not see? (*To the Witness*)—Might they not be cut down without your seeing it?

A. They might be trampled down without my seeing it.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Might they not be cut down, Sir, without your seeing it?

A. Why, yes, they might.

Q. Whether the Yeomanry struck them with the flat part of their swords or not, you cannot positively speak to that circumstance?

A. No.

Q. Now, Sir, you said that you did not see any brick-bats thrown, until after Mr. Hunt had been taken away from the hustings?

A. No, I did not.

Q. How long, then, after Mr. Hunt had been taken away was it, that those brick-bats were thrown; and tell me where they were thrown from?

A. Perhaps it was a moment or two afterwards. I think the

first brick was thrown and struck against Mullins's, at the Wind-mill.

Q. The people at this time were very much thronged together?

A. Yes.

Q. And they were getting away as fast as they could?

A. Yes; they were dispersing at that time.

Q. How came they to disperse? Had not the soldiers cut at them to make them disperse?

A. I did not see it.

Q. I ask you upon your oath, had not the soldiers cut at them to make them disperse?

A. They hit them with the flat side of their swords.

Q. You have been already obliged reluctantly to confess that you could not clearly distinguish whether it was with the flat sides of the swords or not. How long had they then been cut at with the swords of the Yeomanry before this brick was thrown?

A. I cannot tell.

Q. Where were the Yeomanry then?

A. Some part of them were about the hustings, and others were flying about at that time.

Q. Now, I will ask you whether you will swear, that a single brick was thrown until after the great mass of the people was dispersed?

A. They were flying away at the time.

Q. Was not the great mass of the people dispersed from the hustings and its neighbourhood, before any brick was thrown?

A. No.

[*Mr. Harmer was here about to follow up the last question by another immediately.*]

Mr. ASHWORTH (to Mr. Harmer)—Pray, Sir, allow time for the last question and answer to be taken down by the Coroner.

Mr. HARMER (to Mr. Ashworth)—It is my wish that every question and answer should be taken down by the Coroner.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. How far had the Yeomanry proceeded in the dispersion of the people before this brick was thrown?

A. That is impossible for me to tell.

Q. You were an eye-witness, you know?

A. Yes, I was.

Q. Then were they one half or one third dispersed at the time?

A. They were flying up one street and up another.

Q. But I am talking of the field itself?

A. They might be one third or one half dispersed from the field; and then I looked in the neighbouring avenues, and they were flying away as fast as they could.

Q. Were the Manchester Yeomanry pursuing them?

A. Some of them, I believe, were.

Q. You only believe?

A. Yes, I am certain.

Q. Did you hear or see any window broken in Windmill-street, and in what house?

A. No, I did not see any.

Q. Were the Yeomanry as thick as the people at the time these stones were thrown?

A. No, they could not be; not near.

Q. Was not the brick as likely to strike the people as the Yeomanry?

A. I cannot tell that.

Q. Did it strike any body?

A. I won't swear that.

Q. Before that brick was thrown, will you swear that there had not been a great number of persons wounded?

A. I cannot swear that.

Q. Do you not believe that there were?

A. There might be, by the horses.

Q. I will ask you, upon your own knowledge, from as much of the transaction as you saw, do you not believe that there were many persons wounded before that brick was thrown?

A. I only saw two women lying down.

Q. A little time ago you told us you only saw one lying down?

A. I said I saw one woman lying down, but I did not say I saw only one.

Q. Do not be quibbling in that kind of way with me, Sir. How many persons did you see down?

A. I can't tell.

Q. Give a guess?

A. Do you mean in pressing against each other?

Q. In any way you like; but were they not knocked down in pressing away from the horsemen?

A. Yes; I can't tell any other reason.

Q. Did you see persons pressed down the area close to where you were?

A. Yes.

Q. Did you see the people endeavouring to hide themselves?

A. To go into cellars, do you mean?

Q. Yes.

A. Yes, I saw some go into cellars.

Q. Did you see the Yeomanry come and threaten to fire upon those persons unless they came out?

A. No.

Q. Will you swear that such a thing did not take place?

The CORONER (*to Mr. Harmer*)—How can he swear what he did not see?

Mr. HARMER (*to the Coroner*)—Very well, Sir, very well.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Did you see an officer of the 15th Hussars interpose to prevent the violence of some of the Yeomanry from being exerted against the people?

A. No.

Q. Did you see a private of the 1th Hussars?

A. No, not to interfere. I saw the 15th Hussars come upon the field.

Q. Mr. Hunt was taken to Mr. Buxton's house?

A. I believe he was.

Q. Have you any doubt about it?

A. No. I saw him taken towards Mr. Buxton's house.

Q. And they were taken from the hustings by a constable coming and presenting himself to them?

A. Yes.

Q. Did you see the Yeomanry and the constables attempt to take any persons into custody afterwards?

A. Yes.

Q. Who were they?

A. I do not know their names.

Q. Where was it?

A. In different parts of the field, for not dispersing.

Q. And they took them into custody?

A. Yes.

Q. What became of them?

A. I suppose they went down to the New Bailey.

Q. It was the constables that took them into custody?

A. Yes, because they would not disperse.

Q. And did the constables take the speakers and all, off the hustings?

A. No. Some of them escaped off the hustings.

Q. Had they warrants against all of them?

A. I don't know what warrants they had.

Q. Will you give me the names of those that were taken from the hustings? Was Henry Hunt taken?

A. Yes.

Q. Was John Knight taken?

A. I did not see him taken.

Q. Have you any doubt about his being taken?

A. I did not see him taken.

Q. Was Johnson taken?

A. Yes, Johnson was taken.

Q. Was Saxton taken?

A. I don't know him.

Q. Where was it that you saw Mr. Hulme fired at?

A. It was near to the Quakers' wall.

Q. You were still in this window?

A. Yes.

Q. How long was it after Mr. Hunt was taken from the hustings?

A. I don't think it happened above four or five minutes after that. I suppose it was fired against Mr. Hulme, because he was the first that galloped straight across.

Q. Was it a gun or a pistol, upon your oath?

A. I don't know; but I believe it was a pistol.

Q. Why do you believe it was a pistol?

A. Because a pistol might be held up in the hand, and I thought it might be improbable for a man to bring a gun into a crowd like that.

Q. You have said that you saw the flash?

A. Yes, I saw the flash, and heard the report.

Q. Now who was the person that it was fired at?

A. It was a person of the name of Hulme.

Q. That is what you think?

A. Yes.

Q. Who fired it?

A. I cannot tell.

Q. Will you swear it was not one of the Manchester Yeomanry?

A. It came—

Q. Now answer my question. Did you see the hand that pulled the trigger?

A. No; but I saw the flash and heard the report. And I dare say there were twenty or thirty people together there.

Q. Did you see in what hand it was?

A. No.

Q. Nor whether it was a gun or a pistol?

A. No.

Q. Were there not other Yeomanry on the same spot?

A. I believe there were some galloped up afterwards.

Q. Were there not any there then?

A. Yes, there was one.

Q. Who was that?

A. Mr. Hulme.

Q. But were there not any others?

A. There were some at the side of the wall, but the pistol was fired in a complete different direction; and some of them could ride round the corner if they chose.

Q. Where was Mr. Hulme?

A. He was between the Dye-house or Bleaching-house, and the gates of the Quakers' meeting house.

Q. Was he shot?

A. No, not that I know of; but I believe that he got very ill hurt afterwards.

Q. What was he doing at that spot?

A. I can't tell. How can I tell?

Q. Did he not use his sword any way? Was he not cutting at any body?

A. I did not see him.

Q. Did he not use his sword in any way?

A. I did not see him use his sword in any way.

Q. Did he not strike the people with his sword?

A. No; I did not see him strike a person.

The CORONER (*to the Witness*)—Do you mean at that time?

A. Yes.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Did you see him, in the course of that day, striking any one with his sword?

A. No.

Q. Did you see him use his sword that day at all?

A. Do you mean as to cutting the people?

Q. In any way at all?

A. He did the same with it as the other Yeomanry.

The CORONER (*to the Witness*)—What do you mean by that; did he keep it stationary on his shoulder?

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. The Coroner wishes to know whether he kept his sword stationary on his shoulder all the time?

A. No; I believe not one of them did that.

Q. No; nor I either. Now be good enough to describe which house in Watson-street it was that the soldiers fired into? Point it out upon the plan to the Coroner. You have said that a shot was first fired out of that house?

A. Yes.

[*Here the witness pointed out the House he alluded to on the plan handed over by Mr. Harmer; it was at the corner of Watson-street and Windmill-street.*]

Q. Now, have you pointed it out to the Coroner?

A. Yes.

Q. You were in Watson-street when the shot was fired out of that house?

A. Yes.

Q. Was that shot from a gun or pistol?

A. I believe it was a pistol, but I cannot tell.

Q. Do you think it was a pistol?

A. I believe from the report, it was.

The CORONER (*to Mr. Harmer*)—He has already given us a reason why he should not think it was a pistol, that no man would carry a gun in a crowd like that.

Mr. HARMER (*to the Coroner*)—But this, Sir, was not in a crowd, but in a house, you know. (*To the Witness*) Was not that so?

A. Yes; this was either from a window or the top of the house.

Q. How long was that shot after the people had been cleared from the ground?

A. I dare say it was at that time four o'clock, or near four o'clock.

Q. Therefore, it was nearly two hours after the multitude had been dispersed?

A. Yes.

Q. You did not see whether the shot was fired from the window or from the top of the house?

A. I did not.

Q. Therefore you did not see the hand of the person who fired it?

A. No.

Q. Can you say, therefore, whether it might not be a special constable, or one of the Yeomanry, or some of the military?

A. No; I cannot.

[*Mr. Barrow here burst into a fit of laughter.*]

Mr. HARMER (*to Mr. Barrow*)—You may either laugh, Mr. Barrow, or conduct yourself in any other ridiculous manner that the Coroner thinks fit to suffer; but I will undertake to prove that this shot was fired out of the window in Watson-street by some of the military.*

Mr. BARROW (*to Mr. Harmer*)—I was laughing at your idea of a special constable being at the top of a house. That is what I was laughing at; but you must not talk to me about *ridiculous*, or you may be made to repent, whether you are from London or not.

Mr. HARMER (*to Mr. Barrow*)—When you dare utter such language as that, Sir, in any proper place, I shall not be backward in attending to it; but the impropriety of your conduct is pretty evident when even the learned counsel shrinks from justifying it.

Mr. ASHWORTH (*to the Coroner*)—I shrink, Sir! When I shrink, I shrink at something. Good God, Sir! can we not laugh without this captious gentleman supposing we laugh at him? We may have our own private conversation, surely, without laughing at this gentleman; but really he is so sore that he ought to be clothed in fine cotton.

Mr. HARMER (*to Mr. Ashworth*)—When any man of gentlemanly feelings is treated with such gross indecency and indecorum as I have been, I think it is enough to make him sore. Those who have no gentlemanly feelings might, perhaps, passively submit to such treatment; but I neither can, nor will.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. You say you saw a black flag with “LIBERTY OR DEATH” upon it?

A. Yes.

Q. That was very terrific to you.

A. It appeared very terrific; I thought it so, when I saw “DEATH” upon a flag borne before a body of persons.

* Vide the Evidence of Mrs. Rayborn and Ann Rayborn, her daughter, in the proceedings of the 9th of October.

Q. "DEATH!" Sir, it was "LIBERTY OR DEATH."

Mr. ASHWORTH (*to Mr. Harmer*)—That is his answer, Sir.

Cross-examination of the WITNESS resumed by **Mr. HARMER**.

Q. Why do you say that there was only "DEATH?" Was it not "DEATH OR LIBERTY?"

A. I don't know whether it was "LIBERTY OR DEATH," or "DEATH OR LIBERTY."

Q. But was it one or the other?

A. Yes; it was something of the kind.

Q. Have you not heard that celebrated national song, "*Or give us DEATH OR LIBERTY*," which has been sung over and over again, not only in the presence of our own Royal Family, but in the presence of nearly all the crowned heads of Europe?

"Whilst happy in my native land,

"I boast my country's charter:"

Those are the first two lines of the song.

A. I never heard it to my recollection.

Mr. HARMER—Every one knows that it is sung in the first companies among men of every political principle, with the greatest admiration?

Mr. ASHWORTH (*to Mr. Harmer*)—Is that addressed to the Jury, or to whom?

Mr. HARMER (*to Mr. Ashworth*)—Not to *you*, Sir.

Cross-examination of the WITNESS resumed by **Mr. HARMER**.

Q. Now, you also saw caps of liberty?

A. Yes.

Q. Is there any thing so terrific to your mind in a cap of liberty? Did you ever see the figure of Britannia represented without a cap of liberty on her staff?

A. I have seen her so.

Q. Is she not uniformly so drawn?

A. I have seen it in that manner.

Q. Very well; so much for that alarming insignia. Now, you have also talked of a bloody dagger?

A. There was a dagger, and I believe a bloody dagger.

Q. What, man! do you mean to say it was any thing more than the form of a dagger painted red?

A. It was a kind of a red dagger.

Q. Yes; which your fancy has transformed into a bloody dagger: did that *dagger* draw any blood on that day?

A. I did not see any drawn.

Q. Did you see any blood on the field?

A. I did not take notice.

Q. "Did not take notice, Sir!"—Is blood then so immaterial a thing to *you*, that it would not strike your attention. Do you mean to say that you did not see any blood on that day?

A. On the field?

Q. Yes, on the field, and near the hustings?

A. I did not see any near the hustings.

Q. Did you see any in any other part of the field?

A. I did not take notice of any blood. I did not see any blood.

Q. "I did not see any blood!" Why is then this equivocation; will you swear you did not see blood?

A. I can't recollect.

The CORONER (*to Mr. Harmer*)—Don't go so quick, I can't take *pro* and *con* in my depositions; nor is it necessary.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. You say you saw no difference in the conduct of the Yeomanry after the stones were thrown, from their conduct before?

A. They were only following them that threw the stones.

Q. That was the only difference in their conduct?

A. I did not see any other.

Q. Had you seen them pursuing the crowd before?

A. I saw them come up to the hustings.

Q. Did they not then face about, and turn their horses backs to the hustings?

A. I did not take particular notice of that; they certainly got round the hustings as soon as they could.

Q. Did they remain stationary there?

A. Not long.

Q. Were the horses heads then towards the hustings?

A. No.

Q. Why, did they back their horses on the hustings, then?

A. I did not see them back on the hustings.

Q. Why, man, must not the horses heads have been towards the hustings when they rode up?

A. Yes.

Q. Did not some of the Yeomanry cut at the people on the hustings?

A. I did not see any cut on the hustings.

Q. I did not ask if you saw any of them actually cut; did you see any blows made at the people on the hustings?

A. I saw the Yeomanry, certainly, with their swords up in their hands.

Q. Did they keep them up?

A. They asked them to get down, and those that were stupid and did not move, they hit with the flat side of their swords.

Q. That was after Mr. Hunt was taken away, I believe?

A. Yes.

Q. And those that were stupid, and did not understand them,

they, in order to bring them to their senses, struck them with the flat side of their swords?

A. I only saw one man stupid; that was before they went up to the hustings.

Q. But I am asking you about what was done *at* the hustings? did they not strike at the people on the hustings with their swords?

A. Yes; that was the time they were clearing the hustings after Mr. Hunt was taken off.

Q. You only saw one person struck before then?

A. Only one before Mr. Hunt was taken; and that with the flat side of a sword.

Q. How many did you see struck afterwards?

A. I cannot tell.

Q. Did you see twenty struck afterwards?

A. No.

Q. Did you see ten struck afterwards?

A. I cannot tell.

Q. Will you swear you did not see ten struck afterwards?

A. I did not see any body struck with the sharp side of a sword.

Q. Will you swear that?

A. Not to my knowledge.

Q. Not to your knowledge! How many did you see struck? Will you swear you did not see ten?

A. I cannot tell. I cannot swear to the number.

Q. Very well. You said that after the ground was cleared, you saw some sticks and "those kind of things" on the ground, What do you mean by "those kind of things?" What kind of things do you allude to?

A. Walking sticks and ash plants.

Q. You before said that there were "sticks and *those kind of things.*"

A. Yes.

Q. Some you say were genteel walking sticks, and some you say were great thick knob sticks. Do you mean to deny that they were all genteel walking sticks?

A. I do deny it.

Q. Now you said that there were sticks and other things on the field. I want to know what those other things were?

A. I cannot speak to them positively.

Q. I did not ask you to speak positively; but, perhaps, I, who was not there, can bring to your mind what you saw. Did you not see hats on the field?

A. Yes.

Q. And bonnets?

A. Yes.

Q. And caps?

A. No.

Q. Coat flaps?

A. No.

Q. Pieces of garments of various descriptions?

A. Some shoes and clogs, if you call them garments.

Q. You know, Sir, what I mean by garments. Tell me where do you live?

A. No. 8, Boom-street.

Q. Did you live formerly at No. 1, Windmill-street?

A. No.

Q. Do you know the persons who do live there?

A. Not at No. 1, I don't.

Mr. ASHWORTH (*to the Coroner*)—Will you be good enough to ask him, Sir, as the Manchester Yeomanry Cavalry have been so particularly fixed upon, and as all the evidence that this gentleman has brought forward, has been directed exclusively to prove their violence without at all mentioning—

Mr. HARMER (*to Mr. Ashworth*)—Is this a speech to the Jury, or is it not? Surely it cannot be called a question.

Mr. ASHWORTH (*to the Coroner*)—Well, Sir, will you be good enough to ask the witness, whether the Manchester Yeomanry on that day used their swords more frequently than, or differently from, the Cheshire Yeomanry, or the 15th Hussars, that were concerned in dispersing the meeting?

The CORONER (*to the Witness*)—Did what you saw of the Manchester Yeomanry on the 16th of August, induce you to believe or think that they used their swords in any other way than the 15th Hussars or the Cheshire Yeomanry?

A. I don't think they did.

Mr. ASHWORTH (*to the Coroner*)—I will thank you now to ask him, Sir, whether, from what he saw of the conduct of the Cheshire Yeomanry, the Manchester Yeomanry, and 15th Hussars, he could make any distinction between them as to the use of their swords?

The CORONER (*to the Witness*)—Now from what you saw upon the field, could you make any distinction between the conduct and the use of swords by the Manchester Yeomanry, the Cheshire Yeomanry, and the 15th Hussars?

A. No, I could not.

The WITNESS re-examined by the CORONER.

Q. You were asked whether the stone or the brick which was first thrown near Windmill-street, was not as likely to hit the crowd as the soldiers. Now I ask you whether it was thrown at the crowd or at the soldiers?

A. I suppose it was thrown at the Cavalry.

Q. What should make you suppose that?

A. I should think that the crowd could not throw stones at each other.—[*This Witness was ordered to withdraw.*]

Mr. HARMER (*to the Coroner*)—I have now, Sir, a witness

here to prove a very short fact, if you will permit him to be examined.

The CORONER (*to Mr. Harmer*)—No; you said before, that you had a witness coming to prove a particular fact, and it turned out, that that fact was immaterial, the same as it has turned out with the greater part of your witnesses.

Mr. HARMER (*to the Coroner*)—I wish, Sir, to avoid altercation, and shall therefore refrain from replying to your observation; but as this witness, Sir, has been waiting here for a considerable time, with a great deal of patience, I trust you will suffer him to be examined to-day.

The CORONER (*to Mr. Harmer*)—You have had the precedence for a great many days, and as soon as they have had the precedence on the other side for as many days, we will then examine your witnesses again.

Mr. BARROW (*to the Coroner*)—So long as the witnesses only came from this neighbourhood, we did not object to Mr. Harmer's motion, but now that his witnesses come from a distance, we have also witnesses that come from a distance too, and who have as much right to be heard as Mr. Harmer's witnesses.

Mrs. LEES was now ushered into the room, and after having been sworn by the Coroner, her examination was commenced by Mr. ASHWORTH.

Q. I understand, Mrs. Lees, you are the step-mother of the deceased?

A. Yes, I am.

Mr. HARMER (*to the Coroner*)—As my authority for appearing here, Sir, is now questioned by the learned counsel, I must confess, I should be very glad to know by what authority, and for what purpose, he attends here?

Mr. ASHWORTH (*to Mr. Harmer*)—The Coroner is satisfied with my authority, Sir.

Mr. HARMER (*to Mr. Ashworth*)—That is more than I know, Sir.

Mr. ASHWORTH (*to the Coroner*)—Are you satisfied, Sir, with my authority for appearing here?

The CORONER (*to Mr. Ashworth*)—Yes, I am, Mr. Ashworth.

Mr. ASHWORTH (*to the Coroner*)—Are you equally satisfied, Sir, with the authority by which this gentleman, Mr. Harmer, appears here?

The CORONER (*to Mr. Ashworth*)—No, I am not; and I wish that to be understood to be the reason why Mrs. Lees is sent for.

Mr. HARMER (*to the Coroner*)—Whatever insidious motive there may be, Sir, in any quarter, for sending for Mrs. Lees, I care not, nor am I at all afraid of any examination that she may undergo upon the subject; but I should submit to the learned counsel's own delicacy, that however you may be satisfied with his authority for appearing here, it should not remain as a matter of personal secrecy between you and him.

Mr. ASHWORTH (*to Mr. Harmer*)—Oh! Sir, I am attending her on the behalf of the town of Manchester.

Mr. HARMER—That authority I mean to question.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Have you employed any body, madam, to conduct this business respecting the death of your son, for you?

A. Employed any body?

Q. Yes, employed any body. Have you employed any body to inquire into this business, to bring forward that inquiry before the Coroner?

A. There came some gentlemen to our house, and said, “they supposed we wished justice to be done,” or “should we wish to have the matter brought to justice?”

Q. Well, what did you say to that?

A. I said “to be sure we should, and I did not think any thing but justice would be inferred. We did not think of any thing else.”

Q. What more was said by you or by these gentlemen?

A. I cannot exactly say. He inquired concerning my son's illness, and something of that sort, and what we thought was the cause of his death.

Q. Well, what did you say?

A. I said, I believed he had lost his life through being wounded at Manchester, and there was no reason to believe any thing else.

Q. What further passed, madam?

A. I can't exactly say what particulars might pass. They did not say very much more to me. Something more, perhaps. They asked me if I had reason to believe it, and I said I had.

Q. Can you tell me whether any of those gentlemen were any body that you now see here?

[*At this question, Mr. Harmer and Mr. Denison instantly rose from their seats, in order that they might be visible to the witness.*]

A. I think I saw those two gentlemen at my house.

Q. That is, Mr. Harmer and Mr. Denison?

A. I did not take any particular notice of their persons.

Q. The account which you have already given us of what passed between you and them, is all that passed at that time?

A. I think it is, as much as I can say. I cannot say any thing more correct.

Q. Have you seen those gentlemen again, since?

A. I think one of those gentlemen came down to my house since; I cannot say both, but I believe both did.

Q. How long was that after the first time they came to you?

A. I can't speak to the day; but it was the day after my son was buried.

Q. Were they at your house before your son was buried?

A. Yes, they were, I think. But they were there so many

times, and we were so agitated, that I can't speak to all the times they were there.

Q. What passed between you on the second time they came?

A. They asked me if I recollected what had passed before, and I repeated those words, that we wished them to be brought to justice, because we had no thought of any thing but justice.

Q. Was that all that passed the second time they came to your house?

A. I think it is nearly all. I can't say a word more, that I know I can say correct.

Q. Did you hear any body say any thing about expences at any time?

A. Expences?

Q. Yes, for law, or any thing of that kind?

A. I said, I believe, that my husband was not desirous to prosecute any body on his own account. He did not want to stand law-suits, and I did not think that we were to be put to any expence in the case, you know.

Q. What was said by the gentlemen to that?

A. They said that they would not put any expence on us; God forbid that they should.

Q. Did any thing more pass?

A. I cannot recollect whether any thing more passed: I cannot recollect the words of any more.

Q. Did you employ any person whatever, in any way, to conduct the business relative to the death of your son?

A. Any one that came to our house I gave them a civil answer, and, to the best of my knowledge, a true one.

Q. Then I understand you to say, that you have not employed any body to conduct this business?

Mr. HARMER (to Mr. Ashworth)—Is that, Sir, the way that you put questions to impugn the character of a professional man?

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you employ any one to conduct this case?

A. We have nothing to do with it, any more than when a person is murdered, does any body employ any person? I supposed Mr. Mellor, the constable, would do it.

Q. You had nothing to do with employing any body to conduct the case?

[Here the Witness hesitated.]

A. We had nothing to do with any prosecution.

Q. You said something about supposing that Mr. Mellor, the constable, would do something. What was that?

A. My husband told Mr. Mellor, that he did not want to have any expence in prosecuting, or any thing of that kind; and he said that the constable was sworn to indemnify them from expence.

Q. Who did you understand, then, was to conduct this case?

A. We did not know that it was necessary, or that it needed any one to conduct this case.

Q. Are you a married woman ?

A. Yes.

Q. Then did either of these gentlemen see your husband, to your knowledge ?

A. I don't recollect that they did ; nor do I recollect that they did not. I cannot say which, but I think they did not.

Examined by Mr. HARMER.

Q. You say, you remember our coming down to your house before your son was buried ?

A. Yes.

Q. And you say we asked you the cause of your son's death ?

A. Yes.

Q. And you explained it ?

A. Yes.

Q. Was any thing said to you, either by Mr. Denison or myself, to induce you to say any thing that was untrue with respect to the cause of the death of your son ?

A. Oh ! no ; no such thing.

The CORONER (*to Mr. Harmer*)—That is not enquired into.

Mr. HARMER (*to the Coroner*)—But, Sir, what passed at that interview has been asked ; and, therefore, I submit, I have a right to ask this question ; and indeed as to all that passed.

Mr. ASHWORTH (*to Mr. Harmer*)—You might as well ask the whole history of this old lady's family.

Mr. HARMER (*to Mr. Ashworth*)—There may be fifty observations made—I see their object ; but they shall not drive me into confusion, or from my purpose.

Mr. ASHWORTH (*to Mr. Harmer*)—Dear me, you are very tender.

Mr. HARMER—I wish other people were as tender as I am.

Examination of the WITNESS resumed by Mr. HARMER.

Q. Did you not say, that you should be glad of the assistance of Mr. Denison and myself to bring the persons, whoever they were that killed your son, to justice ?

A. You expressed yourself that you supposed we should wish it to be brought to justice, and I said to be sure we should.

Q. Did you not say, that you should be glad to have our assistance to bring the persons, who killed your son, to justice ? Now, recollect.

[*Here the Witness hesitated, apparently to consider the question.*]

A. No ; I don't know that I exactly said that ; but I know it was something *answerable* to that.

Q. Do you know your husband's hand-writing ?

A. I can't say positively.

Q. Do you believe that to be his hand-writing ?—[*Putting a letter into the hand of the Witness.*]

A. I can't exactly say.

Q. Very well. Now, when you say your husband did not wish to go to any expence, did not that conversation apply to bringing actions against those who had libelled your son? Did not that apply to some idea he entertained of bringing actions against those persons who had slandered your son?

A. I rather believe my husband wished to bring every thing to justice.

[Mr. Denison now arose, with a letter in his hand, and addressed the Coroner, in the manner following:]

May I be allowed now, Sir, to explain how I came to have these interviews with Mrs. Lees?

The CORONER (to Mr. Denison)—Not at present.

The WITNESS examined by the CORONER.

Q. What was it you expected would be brought to justice?

A. We understood that if a person was killed, though he had not any parents in the world, it would be inquired into.

Q. Then did you mean, that you expected those people, by whom he lost his life, would be brought to justice?

A. I did not state, nor do I know, who it was.

Q. But, whoever it was, did you expect them to be brought to justice?

A. We expected the action would be seen to, whether he lost his life by them or not.

Q. And those by whom he lost his life, you expected to be brought to justice?

A. Yes. We answered all such questions as were asked, but we did not think the thing would be carried to such a length.

Mr. ASHWORTH (to the Coroner)—Will you ask her, Sir, if she employed any body to bring those people to justice?

[The Coroner repeated Mr. Ashworth's question to the Witness.]

A. Which way do you mean employ any body? Do you mean to carry on law?

Q. Yes.

A. I told you as far as I told them, and I cannot tell any one any thing more.

Q. Then you did not speak to any one about it, to carry on the inquiry?

A. I cannot say any thing more than I have said about it.

Q. Then did you expect to have any thing more "to do" with it?

A. We did not think it would be more than a common inquest, you know. Why it was carried on in a different way we cannot tell.

Q. You say, these two gentlemen have been at your house again, since the first time?

A. Yes; I believe they have.

Q. When was it?

A. I don't know that I can tell the day.

Q. How many days since was it?

A. I can't say.

Q. Surely you can say how many days it was ago?

A. It was about the latter end of last week, I believe.

Mr. ASHWORTH—"About the latter end of last week, I believe."

[*The learned Counsel here appeared to take down the Witness's answer after having repeated it, which seems not to have escaped the notice of the Witness.*]

The WITNESS (*to Mr. Ashworth*)—Yes! yes! you may make a memorandum of it if you please.

The examination of the WITNESS resumed by the CORONER.

Q. Was your husband at home when these gentlemen first came to your house?

A. I think he was not at home at that time.

Q. Was he at home when they came the second time?

A. I don't know. I think not.

Q. Did you know them when they came the first time, or were they strangers to you?

A. They were strangers to me, and many strangers came to speak to us about it.

Q. Was any thing said about pay, or money, or expences, or law?

A. No other than what I stated before.

Q. Was fifty pounds never mentioned in any way?

A. I think one of them said, "God forbid we should be at any expence; he would sooner pay fifty pounds out of his own pocket than that should be."

Q. Do you know which that was?

A. I can't exactly say.

Q. Was it one of those two gentlemen?—(*pointing to Mr. Harmer and Mr. Denison.*)

A. Yes.

Q. Has nobody spoken to you to-day about this business?

A. Yes. Mr. Cox spoke to me in this room.

Q. Was any thing more said to you by Mr. Harmer or by Mr. Denison?

A. No; nothing has been said more to me about it, but that I was to come here again.

Q. (*At the suggestion of Mr. Cox*)—What did Mr. Cox speak to you about in this room?

A. About my son's sickness.

Q. Did nobody else speak to you upon this subject?

A. I believe also some of the work-people spoke to me.

Q. Who was it? And what was it they said?

A. Somebody came and said I should be called up again to-day.

Q. Nothing more?

A. Nothing more.

Q. Do you expect to have to pay these two gentlemen, Mr. Harmer and Mr. Denison, for their attendance here?

A. No such thing.

Mr. HARMER—No, certainly not; I never asserted any such thing, nor do I think of charging these poor people a farthing.

The WITNESS—I expect to be used in that, as all other Inquests are; and I never heard of any expences coming upon a family from an inquest.

Mr. ASHWORTH (to the Coroner)—I will now call Mr. Mellor, Sir, if you please, to prove what passed between him and Mrs. Lees, upon the subject.

JONATHAN MELLOR called, and sworn by the **CORONER**, and examined by **Mr. ASHWORTH**.

Q. Are you the Constable of Oldham?

A. At present I am.

Mrs. LEES (to the Coroner)—You have called me to answer questions which I don't exactly understand.

The CORONER (to Mrs. Lees)—Stop a moment; you shall hear what Mr. Mellor says.

The examination of **Mr. MELLOR** resumed by **Mr. ASHWORTH**.

Q. Have you employed Mr. Harmer, or Mr. Denison, or any body else, to conduct this business for you?

A. Certainly not.

Mr. HARMER—Certainly not. I never said so.

The examination of the **WITNESS** resumed by **Mr. ASHWORTH**.

Q. Have you had any conversation with Mrs. Lees about her having employed any one to conduct this business?

A. I was there last Thursday night, and amongst other things—

Mr. HARMER (to Mr. Mellor)—Stop, Mr. Mellor, a moment. **(To the Coroner)**—I should like to know, Sir, in what course we are now. The learned gentleman first calls a witness to prove something, and then he calls another witness for the purpose of either confirming or refuting her testimony. Now, I ask, Sir, whether that is a course of regularity?

The CORONER (to Mr. Harmer)—What he is going to do is perfectly correct. This person is the constable of the town, and he is the proper person to employ any one, if any assistance was wanted.

Mr. HARMER (to the Coroner)—But, I submit, Sir, that what passed between this witness and Mrs. Lees, is not evidence.

The CORONER (to Mr. Harmer)—Whatever passed in her presence is evidence.

Mr. HARMER (to the Coroner)—Is it, Sir? that is more than I was aware of.

Mr. ASHWORTH (*to the Coroner*)—Really, Sir, if the character in which this gentleman is here is at all in doubt, and he has been employed by any living creature, would he take such objections as these, to this investigation? I should think he would rather court it.

Mr. HARMER (*to the Coroner*)—Sir, I do court it, if it is to be conducted with candour and with fairness; but I will not have conversations inadmissible in evidence, and which passed between third persons, brought in to attack my character. You have appealed to the woman herself, and I will stand by her declaration; but I don't want to be bound by her answer to any idle question that may have been asked of her out of this Court.

Mr. ASHWORTH (*to the Coroner*)—That declaration, Sir, of Mrs. Lees, by which this gentleman says he will stand, is this: that she does not consider that he is at all employed by her. She is a married woman, and her husband is the only person who could properly employ any one. He has never seen them at all; and therefore, I appeal to you, whether I am not strictly in order; and whether the learned gentleman ought not to thank me for seeking this further explanation, in order that he may be set right with the public and with this Court. He has stated that that lady employed him, and she denies it.

Mr. HARMER (*to the Coroner*)—I certainly do not, Sir, thank the learned Barrister for what he is pleased to call setting me right before this Court and the public; nor do I think his exertions are at all necessary for that purpose. With respect to Mrs. Lees having employed me, I say she has not denied it.

The CORONER (*to Mr. Harmer*)—Yes, she has.

Mr. HARMER (*to the Coroner*)—I beg your pardon, Sir. I asked her whether she had not asked for my assistance to bring the murderer of her son to justice, and she said, "yes, she did, or something answerable to that."

The CORONER (*to Mr. Harmer*)—She said "no;" and after a great deal of hesitation

Mrs. LEES re-examined by the CORONER.

Q. Did you or did you not ask these gentlemen to give you their assistance?

A. I was going to tell you, but you stopped me.

Q. Then I ask you again; did you or did you not ask these gentlemen to give you their assistance in this business?

A. I have stated it.

Q. Did you or did you not solicit, or ask, or request these two gentlemen to do any business for you relating to your son's death?

A. I don't understand the word exactly.

Q. Well then, have you told us before what they said to you, and what you said to them?

A. Yes, as near as I can.

Q. Would you have employed some gentleman in Oldham, or

some gentleman from London, to conduct the inquiry for you, if you had employed any body?

A. We did not know we had occasion to employ any body.

The CORONER (*to Mr. Harmer*)—There, you see, she has said it over and over again; that she expected it would be conducted by me in the usual way.

Mr. HARMER (*to Mr. Mellor*)—I ask you, Sir, whether you ever knew a town to appoint a Barrister to appear in behalf of the accused at a Coroner's Inquest, or on behalf of the town?

Mr. MELLOR (*to Mr. Harmer*)—You don't ask *me* that, do you, Sir?

Mr. HARMER (*to Mr. Mellor*)—Yes, but I do.

Mr. MELLOR (*to Mr. Harmer*)—I don't know any thing about such things.

Mr. HARMER (*to Mr. Mellor*)—Can you tell me what the town of Manchester has to do with the town of Oldham in this business?

Mr. MELLOR (*to Mr. Harmer*)—I don't know any thing that it has got to do with it.

The CORONER (*to Mr. Mellor*)—Do you know what Londona to do with it?

Mr. MELLOR (*to the Coroner*)—No.

The CORONER (*to Mr. Mellor*)—Or Liverpool?

Mr. MELLOR (*to the Coroner*)—No.

Mr. HARMER (*to the Coroner*)—Now, Sir, if you will permit me, I will ask Mr. Mellor a few more questions.

Mr. MELLOR cross-examined by Mr. HARMER.

Q. Did you summon this Inquest?

A. I did not; but my deputy did.

Q. The man died, I believe, on the Tuesday morning?

A. Yes.

Q. Can you tell me what time the summonses were served upon the Jury?

A. I cannot. I was from home. I left home on the Wednesday morning.

The CORONER (*to Mr. Harmer*)—The warrants themselves would shew when they were issued.

Mr. HARMER (*to the Coroner*)—They would, Sir; but they would not shew when they were served, which is the material point that I want to prove; because, a very short time elapsed between their date and the time that the Inquest was to sit.

Mr. MELLOR'S DEPUTY—The man died in the morning; and I believe they were issued at night. They were served the same day they were issued.

Mr. HARMER (*to the Deputy*)—At what time was the Inquest to meet?

The DEPUTY—I don't exactly know, now.

Mr. BATTYE—At eleven o'clock the next day.

Mr. ASHWORTH (*to the Coroner*)—I submit, Sir, that the only regular mode of proving this, is, by producing the summonses.

The CORONER—That is the only right way, certainly.

Mr. MELLOR examined by Mr. HARMER.

Q. Do you believe that one twentieth part of the witnesses that have been summoned upon this occasion, would have been summoned, had it not been for the interference of the London and Liverpool attornies?

Mr. BARROW—I don't believe they would.

Mr. MELLOR (*to Mr. Harmer*)—I may say that there was more than a twentieth summoned.

Q. Do you know one single witness that was summoned from Manchester, or of any witnesses who were summoned from any place, but from Oldham?

A. I did not know of the Inquest.

Q. You did not know of the Inquest?

A. No. My Deputy did.

Q. Is an Inquest then of so little importance here, that the Constable of the Township does not know of it? Was it communicated to you?

A. No, it was not.

The CORONER (*to Mr. Mellor*)—Can you give any explanation of this?

Mr. HARMER (*to Mr. Mellor*)—You may give any explanation you please, Sir.

The CORONER (*to Mr. Harmer*)—The lady has told you that she expected that this would be conducted like any common Inquest.

Mr. HARMER (*to the Coroner*)—So it would have been like a common Inquest, Sir, had it not been for the proceedings, introduced by others.

Mr. MELLOR—My deputy has told me that he had eighteen witnesses summoned. I saw my deputy on the Monday following, and I then saw a list of eighteen witnesses. But I think I had better state all I had to do with it. After hearing—

Mr. ASHWORTH (*to the Coroner*)—Now you see, Sir, this gentleman (*Mr. Harmer*) is trying to bring into question the conduct of Mr. Mellor; and he is in fact turning the tables upon him, in order that he may shift this question from his own door.

Mr. MELLOR (*to Mr. Ashworth*)—No such thing, Sir; I am inclined to think not.

Mr. HARMER (*to the Coroner*)—Now really, Sir, is this connected with the inquiry before you?

The CORONER (*to Mr. Harmer*)—You have asked the witness, whether he knew of the inquest, or whether he summoned the jury. This is connected with who did. (*To Mr. Mellor*)—Go on.

Mr. MELLOR—When I heard that this affair was likely to come to something serious, I asked my deputy, and said, “Do you

know of any witnesses who wish to come, and who are not in this list?" He then mentioned several, but said they were in the list already. I asked him if there were any more, and he said "No," and when he said so, I was satisfied and came away.

Mr. HARMER (*to Mr. Mellor*)—Did you ask him whether any of those witnesses had been called or summoned to attend on the Wednesday previous or not, when you know the Jury were to sit and determine the cause of the death?

A. No.

Mr. MELLOR examined by Mr. ASHWORTH.

Q. Do you feel that you stand upon the same ground that you did formerly, or do you think that you are lifted up since these gentlemen came to the neighbourhood?

A. I feel much about what I was; I am not altered in any way.

Q. Do you think, by these luminaries making their appearance in this neighbourhood, that there was not ability sufficient in this part of the country to conduct this proceeding?

A. I should think there is enough ability in the neighbourhood to do it.

Q. You have been asked whether you thought that twenty witnesses would have been produced on this occasion by you?

Mr. HARMER (*to Mr. Ashworth*)—I said one-twentieth part, Sir, of the witnesses, that have been and are still to be produced.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Well; you have been asked whether you think that one-twentieth part of the witnesses that have been produced, would have been produced by you. Would all the witnesses have been produced, that you considered necessary, and all those that Mr. Ferrand, the Coroner, or the relations of the deceased, considered necessary for the investigation of this case?

A. I believe they would.

Q. Do you think it would have ever occurred to you as necessary to produce a turnpike man, whose gate was three quarters of a mile from the field of Saint Peter's, to say how many people came through his gate on the 16th of August?

A. Must I answer that question?

Q. Yes.

A. I should not have produced a turnpike man, because I am not acquainted with the case, nor with what that man could say. But it might be necessary, for what I know. I only produced witnesses as far I could hear that they knew any thing about it.

Q. Has the evidence that has been produced by these gentlemen, been calculated, in your opinion, to have any other effect than that of misleading the Jury and confounding the case?

A. I beg leave not to give any opinion on that subject, unless Mr. Ferrand wishes it.

The CORONER made no answer.

Mr. ASHWORTH—Witnesses produced by persons who obtrude themselves in this way, can have no other effect. (*To Mr. Mel-*

lor)—Would you not have done your duty, Sir, to bring the whole of this matter before the Coroner?

Mr. MELLOR (*to Mr. Ashworth*)—Certainly I should: there has been only one inquiry of this nature taken place, since I came into office, and I think that has terminated to the satisfaction of all parties.

Mr. MELLOR examined by the CORONER.

Q. From what you know of my conducting investigations of this sort, have you any reason to suppose that truth and justice would not have marked my proceedings, or that the case would not have been carried on fairly, without any body interfering?

A. I believe from your character, and from your usual method of conducting these things, that justice would be done.

Q. Do you think that the investigation would have been conducted as well, for the satisfaction of public justice, then, as it is now?

A. No doubt.

Mr. ASHWORTH (*to the Coroner*)—Now, I don't suppose, Sir, that you will think that when I sit here, doing my professional duty, I come here by choice, or for the purpose of being supported by popular applause, as others do. Far from it, Sir. I come but here to do my duty to those who have sent me, which I hope I shall do, though I may be held up, on account of the interests for which I appear, to the dislike and odium of my fellow-creatures. I say this for my own part, Sir, to shew that I do not obtrude myself upon your notice without proper authority (as that gentleman has said, but which I shall shew, by and bye, has been very unwarrantably and improperly said, and is an assertion which is insupportable by any fact). I do not go from the position with which I first set out, that I have proper authority for appearing here, and perhaps greater authority than his; but I am at this moment, Sir, ready (supposing that gentleman and his coadjutors are ready to do the same) to retire from the field, and to leave it to you, Sir, to do as you have done on all former occasions, viz. to satisfy yourself by the examination of witnesses, and to see that all the proofs and facts are brought before you, which are necessary to the justice of the case. That, I am willing to do; and let all this agency vanish. Don't, however, let me be supposed to support the employment of those persons who appear to me to have no authority whatever to appear before you. They are strangers from a distance, neither connected with Oldham nor the place where they *say* the death of this person was occasioned, nor where the wounds were given from which they *say* this person died. They are not connected with this neighbourhood, nor with any body in this neighbourhood. They are not connected with the town of Manchester, whose peace has been disturbed; nor are they connected with any one thing, nor any one circumstance by which they have a right to meddle in this business; but I say, for my own part, that I shall with the greatest alacrity and pleasure retire

from this investigation, leaving justice to be done by you, Sir, as I know it will be done, provided they will pledge themselves to pursue a similar line of conduct.

It has been said, Sir, in fact, that the accused have no right to appear by counsel before a Coroner who is investigating the justice of the case, or the charge that is attempted to be made out. Has the accused no such right? Does not the statute say, that you are to receive all evidence, on all hands, if it be offered, as well for exculpation as inculpation, and as well to remove as to prove the charge? But you are satisfied, Sir, that I appear here for the town of Manchester, part of the people of which are accused. You are inquiring whether the death was caused at all in that town. Part of the people of that town are accused; the whole town have taken up that accusation as a foul and malignant calumny against them, and this body have employed me here to protect their interests. I say, Sir, that you have decided from the credentials I have delivered in to you, that I am here in a recognised and authorised capacity—that I am here in fact not irregularly, not like other persons, who can't prove that they have any authority at all for appearing here; but who obtrude upon you, and tell you that you can't manage the thing yourself, and, in fact, that they are to conduct the plan of this business from beginning to end. You can ascertain, Sir, that *I* am employed by a neighbouring township of great consequence, to appear here, and my credentials are before you. It is within your power at any time, that you doubt the credentials of these gentlemen, and wish for investigation, to ascertain whether they are forged ones, or whether those gentlemen are here in any regular capacity by which they are authorised to act the part that they do before you. The statute, Sir, has given you full power to do all this, and has stated it to be an open Court. Any gentleman might bring in evidence to prove the charge, provided he was acknowledged by the Court, as being properly there, or as being employed by any person interested in the investigation; and therefore, it does appear to me, to be no kind of parallel between the situation in which I stand before you, and the situation in which these gentlemen stand. After the evidence that has been examined on this subject, it does appear to me, Sir, that they have obtruded themselves upon you; for their employment is disavowed by the wife; and even supposing she had said, that she had employed these gentlemen to conduct this business, she is not a person properly authorised so to do. The husband is the only person who could employ any one; and even if the wife had employed these gentlemen, such an authority would not be worth a farthing. She has said, however, that she understood this business would be conducted by Mr. Mellor, as the constable of the town. Mr. Mellor has been called, and he has told you that he never employed these gentlemen; and therefore, though one of these gentlemen stated with a great deal of asperity, that the step-mother of the deceased had employed him, you find that is not so, and you find even if it was so, she has no power whatever, from her situation, to give au

authority. A wife has no authority independent of her husband, who had all the authority; and he has given no authority to these gentlemen on the present occasion. Therefore, Sir, I say, that Mr. Harmer and Mr. Denison are not properly before you; and it is really, as it appears to me, beneath the dignity of this Court for you to submit to the dictations of any body. You have a competent authority, derived from high jurisdiction—derived from Acts of Parliament to regulate the proceedings of your own Court; and therefore I do submit, that you ought not to be interrupted by these kind of interpositions. With respect to myself, I am legally before you, I am before you by the laws of the land, and I have a right to be before you, and nobody else, but the gentlemen who are sitting around me. You have nothing to do, Sir, with people out of doors—you are not to listen to the suggestions of strangers, whom nobody knows; and I trust you will now declare whether these gentlemen are at all legitimate organs, by which this inquiry is to be conducted.

The CORONER made no reply.

Mr. DENISON (*to the Coroner*)—May I now be allowed to explain, Sir, what the conversation was, that passed between us and Mrs. Lees?

The CORONER (*to Mr. Denison*)—You are not upon oath.

Mr. DENISON (*to the Coroner*)—But I will put myself upon oath, Sir.

The CORONER (*to Mr. Denison*)—The conversation of Mrs. Lees with the constable has been objected to, as not being evidence. I think if what you are going to say, is to contradict her, I cannot receive it.

Mr. DENISON (*to the Coroner*)—But it is not to contradict her, Sir.

The CORONER (*to Mr. Denison*)—Did Robert Lees, the father, send for you?

Mr. DENISON (*to the Coroner*)—Yes, Sir, he did; and this is his authority for our attending the Inquest.

[*Here Mr. Denison produced a letter, which he said was signed by Robert Lees, the father of the deceased.*]

Mr. DENISON (*to the Coroner*)—Am I to be allowed to read the letter?

The CORONER—No; the hand writing is not proved; it is not evidence.

Mr. HARMER now rose, for the purpose of replying to Mr. Ashworth's observations, but was stopt by

The CORONER (*to Mr. Harmer*)—Before you reply to any observations of Mr. Ashworth's, you must state by whom you have been employed, and from whom you expect to be paid?

Mr. HARMER (*to the Coroner*)—I don't choose to answer that question.

The CORONER (*to Mr. Harmer*)—Have you any objection to state by whom you are employed?

Mr. HARMER (*to the Coroner*)—I have stated, that I am employed by the parents of the deceased.

The CORONER (*to Mr. Harmer*)—I don't think you are; but by whom do you expect to be remunerated?

Mr. HARMER (*to the Coroner*)—I say, Sir, you have no right to ask me that question.

The CORONER (*to Mr. Harmer*)—Well, I take it for granted that you object to it.

Mr. HARMER (*to the Coroner*)—I do.

The CORONER (*to Mr. Harmer*)—But what objection can you have to state who is to remunerate you, if you come here fairly? Mr. Ashworth has stated who is to remunerate him, and he knows whom he can recover it from. Do you mean to say you can recover any remuneration for your services from the father of the deceased?

Mr. HARMER (*to the Coroner*)—Mr. Ashworth has said, Sir, that he is attending here in behalf of the inhabitants of the town of Manchester. I see a great many most respectable inhabitants of that town, who are now bye-standers, who know of no such appointment, and who would spurn the idea of sanctioning such appointment.

Mr. ASHWORTH (*to the Coroner*)—I am, Sir, employed by the constables of the town of Manchester.

Mr. HARMER (*to the Coroner*)—Who are also accused.

The CORONER (*to Mr. Harmer*)—Suppose they are accused, and suppose they are guilty, is it not competent for them to have counsel here? They can retain counsel, and if he shews a direct retainer, that is quite sufficient for him to appear here, as much as if you shewed that you were properly employed by any body. And all witnesses are to be examined on both sides before me.

Mr. HARMER (*to the Coroner*)—You stated just now, Sir, that Mr. Ashworth might recover his remuneration for his able assistance here, but you must be aware that a counsel cannot sue for fees.

The CORONER (*to Mr. Harmer*)—You need not tell me that.

Mr. BARROW (*to Mr. Harmer*)—Nor can you bring an action, Mr. Harmer, for a libel on a dead man.

Mr. HARMER (*to Mr. Barrow*)—I never said I could.

The CORONER (*to Mr. Harmer*)—You did.

Mr. HARMER (*to the Coroner*)—I beg your pardon, Sir; I said no such thing. These poor people contemplated bringing actions against those who had vilified the deceased; and that was the subject of my question to Mrs. Lees; but I never meant that such actions could be sustained, nor did I ever say any such thing.

The CORONER (*to Mr. Harmer*)—I say you did.

Mr. HARMER (*to the Coroner*)—I deny it, Sir: I did not.

The CORONER (*to Mr. Harmer*)—Since you treat me with such disrespect, before I allow you to proceed any further in conducting this case, I must see your authority, and know from whom you expect to be paid.

Mr. HARMER (*to the Coroner*)—I do not expect to be paid by

these poor people, Sir; but I have been requested to attend here by the step-mother.

The CORONER (*to Mr. Harmer*)—I don't believe she requested you to attend here, from what she has said.

Mr. ASHWORTH (*to the Coroner*)—Besides, Sir, you know the husband would not be bound to pay for her engagement.

Mr. HARMER—I think differently.—(*To the Coroner*)—Well, Sir, notwithstanding all that has passed, I shall continue to conduct this case in the manner in which I have done hitherto. I shall continue to produce such witnesses as I think will advance the justice of the inquiry. You may, it is true, turn me out, if you please.

The CORONER (*to Mr. Harmer*)—Who has engaged you?

Mr. HARMER (*to the Coroner*)—I mean to say that I am engaged by the parents.

The CORONER (*to Mr. Harmer*)—By nobody else?

Mr. HARMER (*to the Coroner*)—I am engaged by the parents.

The CORONER (*to Mr. Harmer*)—By nobody else? You first said you were engaged by the friends of the deceased; then it is by the relatives, and at last it is by the step-mother; and you have also frequently made use of the phrase, "that you are attending here for the Crown."

Mr. HARMER (*to the Coroner*)—I do say, Sir, that I consider myself standing here as an humble advocate for the Crown, although employed by Mrs. Lees, the step-mother of the deceased.

The CORONER (*to Mr. Harmer*)—You may say that you are attending here for the Crown. Has the Attorney-General employed you?

Mr. HARMER (*to the Coroner*)—No, Sir, he has not; nor have I ever insinuated such employment; on the contrary, I have told you *who is* my employer.

Mr. ASHWORTH (*to the Coroner*)—When I heard, Sir, this gentleman say he attended here for the Crown, it immediately occurred to me, as there had been a meeting upon this subject in London, at the Crown and Anchor Tavern, that he had dropped the "Anchor" in stating by whom he was sent here, and retained only the Crown.

Mr. HARMER (*to the Coroner*)—I must say, Sir, that I was not employed to conduct this business by the meeting at the Crown and Anchor Tavern, to which Mr. Ashworth alludes; and if allowed, I will explain the origin of my employment. I was attending to prosecute some indictments against individual members of the Manchester Yeomanry, for maliciously cutting, under Lord Ellenborough's Act, at the last Lancaster Assizes; and on my return from Lancaster, while I stopped at Manchester, I heard, accidentally, of this Inquest. I saw Mrs. Lees before the Inquiry was commenced by Mr. Battye, and she stated that she wished to have my assistance. I considered that was sufficient authority; and, indeed, you yourself have acknowledged my right to appear here in the capacity in which I do. You not only always

allowed, but invited me to put such questions as I thought necessary, to any of the witnesses, before this gentleman, Mr. Ashworth, arrived; and it is only since his arrival that you have put upon me these very unusual restraints.

The CORONER (*to Mr. Harmer*)—And it arose from your own interference.

Mr. DENISON (*to the Coroner*)—Will you now allow me, Sir, to explain what passed between me and Mrs. Lees; and will you allow me to put in this letter before you?

Mr. ASHWORTH (*to the Coroner*)—Will you be good enough to ask, Sir, what is the date of that letter?

Mr. DENISON (*to the Coroner*)—It is dated —

The CORONER—Stop, Sir. If people are employed to conduct a case fairly, they would not go in secret to be employed; and people do not employ strangers who have no interest in the business, but who go in secret about it.

Mr. DENISON—Is there any person here who knows the signature of the deceased's father?

[*No one answered.*]

The CORONER (*to Mr. Denison*)—After what the witness, Mrs. Lees, has said, I cannot admit any thing else that may have been obtained on the subject. There was a meeting betwixt you and her, and she has told us the whole that passed on that occasion.

Mr. HARMER (*to the Coroner*)—And she has said that she did require our assistance.

The CORONER (*to Mr. Harmer*)—I deny that.

Mr. HARMER (*to the Coroner*)—Then, I beg that Mrs. Lees may be asked again.

The CORONER (*to Mr. Harmer*)—No, no, Sir; we know what pains are taken to make people say things.

Mr. HARMER (*to Mrs. Lees*) Did you not say, Mrs. Lees, that you would be glad to have our assistance, when we first saw you?

A. Yes; I said that I should be glad of the people being brought to justice.

The CORONER (*to Mr. Harmer*)—There, you see you cannot make her say it.

Mr. HARMER (*to the Coroner*)—"Make" her say it, Sir; she has said it without compulsion.

Mr. DENISON (*to the Coroner*)—This letter, Sir, was delivered to us yesterday week, previous to Mr. Ashworth's arrival; so that it was not sent to us, as it is insinuated, in consequence of any discussion that may have taken place as to our authority for appearing here.

The CORONER (*to Mr. Denison*)—That is not very likely.—When was the letter got?

Mr. HARMER (*to the Coroner*)—What do you mean, Sir, by "got?" I beg to say, it was never "got."

The CORONER (*to Mr. Harmer*)—She never sent for you to her house.

Mr. BARROW (*looking at the letter, which had been handed in*)—

The hand-writing of the letter is quite different from the signature. It is the hand-writing of yourselves.

Mr. HARMER (*to Mr. Barrow*)—Do you deliberately mean to assert that, Sir?

Mr. ASHWORTH (*to Mr. Harmer*)—Do you mean to deny it, Sir?

Mr. HARMER (*to Mr. Ashworth*)—I do deny it, most positively. I never saw it, or knew of its contents, until I received it after it had been opened by my friend, Mr. Denison; and I have no notion, Sir, of permitting the ungentlemanly and indecent insinuations of Mr. Barrow to pass without reprehension.

Mr. BARROW (*to the Coroner*)—I hope you will not think it irregular for me to get up, Sir; but I cannot be made the subject of personal observation without reply; and though I have not the good fortune of living in London, I trust I have a little common sense, and I shall not submit to insult.

Mr. HARMER (*to Mr. Barrow*)—What do you mean by insult, Sir? Did you not charge us with having fabricated a letter?

Mr. BARROW (*to Mr. Harmer*)—I say so. No, I did not say *fabricated*; I said that the signature was a different hand-writing from the body of the letter.

Mr. HARMER (*to Mr. Barrow*)—Very well, Sir, very well. I know what you said.

Mrs. LEES (*here interposed in the following manner:*)—My husband was unfit for writing a letter, and he got it wrote for him; it was after the death of my son, when they said *rum* things of him in the newspapers.

Mr. HARMER (*to Mrs. Lees*)—Did your husband get a person to write to us to ask our assistance?

A. Yes.

The CORONER (*to Mrs. Lees.*)—To get what?

A. I can't say what; to bring the people to justice, I suppose.

Mr. ASHWORTH (*to Mr. Harmer*)—If you were employed by the husband, it is very easy to prove it.

The CORONER (*to Mr. Harmer, after some deliberation*)—At present I consider that you are not employed at all, by either the father or the step-mother; nor are you employed by the constables of Oldham. That is what I consider.

Mr. DENISON (*to the Coroner*)—But I submit, Sir, that the father of the deceased has, by this letter, confirmed our employment by his wife,

The CORONER (*to Mr. Denison*)—I don't care for that. I know nothing about that. Who will pay you?

Mr. HARMER (*to the Coroner*)—We don't consider ourselves compelled to answer questions of that sort, Sir.

Mr. ASHWORTH—It is quite clear, Sir, that it has been jobbed—it has been sought after—it has been asked for.

Mr. HARMER (*to the Coroner*)—It has not been asked for, Sir, more than in the first instance.

The CORONER (*to Mr. Harmer*)—You still refuse to say by whom you expect to be paid?

Mr. HARMER (*to the Coroner*)—I don't know that I shall be paid at all, Sir; though I have advanced a very considerable sum out of my own pocket.

The CORONER (*to Mr. Harmer*)—I ask you, Sir, have you no expectations that you shall be paid?

Mr. HARMER (*to the Coroner*)—I say, Sir, that I will give my services gratuitously, and will engage not to accept payment from any one.

Mr. ASHWORTH (*to Mr. Harmer*)—That is, you will give your services gratuitously to the Coroner?

Mr. HARMER (*to Mr. Ashworth*)—No, Sir; to the friends of the deceased; and I will not be paid by any body.

Mr. ASHWORTH (*to the Coroner*)—These services are given to you, Sir, whether you require them or not.

Mr. HARMER (*to the Coroner*)—No, Sir, I don't offer them to you, I offer them to the friends of the deceased, to see that justice is done. My services, humble as they are, I give gratuitously. I don't know whether the liberality of the learned Counsel will suffer him to say as much.

Mr. ASHWORTH (*to Mr. Harmer*)—I dare say, Sir, there is quite sufficient wealth in the town of Manchester, not to suffer me to go unpaid. In so unpleasant an investigation as this, I am sure I would not volunteer my services; and unless I expected to be paid, I would not stop one moment longer.

The CORONER—That is a good deal more like the truth than what Mr. Harmer has said.

Mr. HARMER (*to the Coroner*)—No doubt, Sir, that is your opinion.

The CORONER (*here deliberated for some time, and then addressed Mr. Harmer*)—If we proceed with the inquest, do you mean to interrupt us in the manner in which you have done?

Mr. HARMER (*to the Coroner*)—I don't know what you call interruptions, Sir. I certainly mean to tender such witnesses as I think can give important testimony upon the present occasion. If I am not allowed to tender such witnesses as I think can give material and important evidence, you will tell me so; but I certainly mean to tender them, and to suggest such questions as I think likely to elicit the truth; and I request that no other person may be allowed to interfere in any other way in this inquiry, if I am to be restrained.

The CORONER (*here deliberated for some time, after which he delivered his opinion*)—I cannot think, that it is for the facility of this business, or for the service of the purposes of justice, that the interference we have had already, has continued; nor do I think that the continuation of it by unauthorized strangers to this meeting, ought to be further allowed. I am very anxious to have a full investigation and inquiry upon the present occasion; but a great number of the witnesses, produced by these gentlemen,

have been produced to prove irrelevant facts, which I have determined were inadmissible in evidence, and still the same sort of witnesses continue to be called to prove the same sort of facts. I shall therefore not permit those gentlemen to pursue the course they have pursued any longer.

Mr. HARMER (*to the Coroner*)—Well then, Sir, I certainly shall send in to you the names of a great many more witnesses, and I shall certainly pursue the course of submitting to you such questions as I think material to be asked of the witnesses, until you actually commit me.

The CORONER (*to Mr. Harmer*)—If you flatly and openly told me whom you represented, and by whom you expected to be paid, I could have no objection whatever to your pursuing that course.

Mr. HARMER (*to the Coroner*)—I say, Sir, that I give my services gratuitously, and I never yet, by those who know me, was accused of want of frankness or veracity.

Mr. ASHWORTH (*to the Coroner*)—There never was an instance known yet, Sir, where, after persons had appeared not to have been engaged by any person, that they were suffered to continue in court.

Mr. HARMER (*to Mr. Ashworth*)—Not suffered to continue in court, Sir! I beg to say, Sir, that the Coroner has no authority to turn me out of court, so long as I act with propriety and decorum, notwithstanding your illiberal suggestion.

Mr. ASHWORTH (*to Mr. Harmer*)—I mean, continue in court in the character of an agent.

Mr. HARMER (*to the Coroner*)—I beg to state, Sir, that the inquiry cannot be conducted so as to attain the full ends of justice, as I conceive, unless you suffer me to give you some information. You cannot know what witnesses I have collected, nor what they can prove.

The CORONER (*to Mr. Harmer*)—If the names then of such witnesses are sent to me, I can call them and examine them.

Mr. HARMER (*to the Coroner*)—I have no objection to that course; but, Sir, as you do not know the facts that they can prove, and as I do, I shall certainly take the liberty of suggesting to you such questions as I think material to be put to them.

The CORONER (*to Mr. Harmer*)—It is a pity you will not lay it before me in the way they do by whom you are employed, and give a proper feature to it. I never knew it refused before.

Mr. HARMER (*to the Coroner*)—I should like, Sir, to have Mrs. Lees' answer read over again, in order that we may see how it stands upon your notes.

The CORONER (*to Mr. Harmer*)—You have got it down yourselves.

Mr. HARMER (*to the Coroner*)—Well, Sir, we will take it, as we have it. I asked her if she did not require Mr. Denison's and my assistance to bring the murderers of her son to justice, and she said, she did.

The CORONER (*to Mr. Harmer*)—No; she said no such thing.

Mr. HARMER (*to the Coroner*)—We have a very different impression of her answers here, Sir. Perhaps you would be good enough to let me ask her again.

The CORONER (*to Mr. Harmer*)—No; she has been asked quite often enough, and you cannot make her say it, although you have attempted.

Mr. HARMER (*to the Coroner*)—I have not attempted to make her say any thing, Sir.

[*The Coroner here appeared to deliberate whether he would go any further to night, as it was now past six o'clock, and after hesitating some time, he looked at Mr. Ashworth, and the other Gentlemen sitting at his table, and said*—For to-night we will call in another witness from Manchester, and then we will see what he* will do.

Mr. ROGER ENTWISLE, Attorney-at-Law, of Manchester, called in, sworn, and examined by the CORONER.

Q. Are you one of the Yeomanry Cavalry?

A. I am neither a Cavalry-man, nor a special constable.

Q. From where you live, I suppose you neither know any thing of John Lees, nor of his family?

A. I do not.

Q. Were you on the field at all, on the 16th of August?

A. I was, on the 16th of August last.

Q. Did you see any of the people that were assembled there go to the field that day?

A. I saw several thousands marching in different directions towards the hustings that were erected. The first body I saw, was when I stood at the Albion Hotel, in Piccadilly.

Q. You saw one body when you were there, you say?

A. Yes.

Q. Of how many persons did it consist?

A. Many thousands of men, women, and children. I conceive there were from four to five thousand.

Q. Had they flags, or any thing of that sort with them?

A. Flags and caps of liberty.

Q. Were there more than one?

A. Two, I saw.

Q. What did you see next?

A. From thence I went to the field. St. Peter's field.

Q. What time did you get there?

A. I think it was from between eleven to twelve o'clock.

Q. How many people were there when you got there?

A. A great number. Some thousands at that time.

Q. Did you see more come to the ground afterwards?

A. I heard that the procession was coming with Hunt in a carriage; and I went down St. Peter's-street, towards Deansgate, to

* Alluding to Mr. Harmer.

meet them, and when I got into St. Peter's-street, I saw him coming in an open carriage, with Moorehouse, and several others.

Q. Was there any quantity of people there ?

A. Yes, a very great number ; but I did not see what followed the carriage. I then went back, and stood within about ten yards of the hustings.

Q. How long did you remain near the hustings ?

A. The position I then took, I remained in, until the soldiers came up.

Q. What was done as soon as Mr. Hunt got to the hustings ?

A. As soon as he got to the hustings, I heard some person propose that Mr. Hunt should take the Chair, which he did, and then began to address the mob that were round the hustings.

Q. How far were you off the hustings then ?

A. About ten yards, and upon an elevated spot.

Q. On which side of the hustings ?

A. Near Windmill-street.

Q. Did you hear what Mr. Hunt said ?

A. I heard it at the time, but I cannot recollect the words ; but he congratulated the meeting on its having been postponed ; he said that it had increased the number of those who were in the cause of Reform. He congratulated them on the postponement of the meeting ; but I cannot repeat the words.

Q. After speaking some time, did any thing happen ?

A. Whilst he was speaking, I saw the Manchester Yeomanry make their appearance in the front of Mount-street.

Q. Well, go on—what more ?

A. I saw a gentleman on horseback—I don't know who it was—have some short conversation with Captain Birley.

Q. Whereabouts were the Manchester Yeomanry then ?

A. They were then at halt, in front of the houses in Mount-street, in the same position which they occupied when they first came on the ground.

Q. Do you mean in front of Mr. Buxton's house in Mount-street ?

A. Yes ; opposite Mr. Buxton's house, in which the Magistrates were assembled. Immediately after which, the Manchester Yeomanry, upon the quick sharp trot, advanced towards the hustings, waving their swords in the air. But previous to that, I should tell you, that the moment the military made their appearance, Mr. Hunt took off his hat, and waved it in the air, and the mob round cheered, as much as (in my opinion) to set the military at defiance.

Q. After the mob had cheered, as you say, what then took place ?

A. After they reached within about fifteen yards, or twenty yards, I don't know which, but some distance from the hustings, I saw stones, bricks and sticks thrown at the Yeomanry. Not small sticks, but large sticks. I will not say whole bricks, but brick-bats, and there is no doubt whatever, but that they must

have hit the Yeomanry or their horses. Seeing this outrage committed by the mob, I thought it was then necessary to put myself under some protection, and I put myself under the protection of the special constables.

Q. Then you were afraid of some violence?

A. Yes. I joined the special constables for protection, conceiving that some violence might be used.

Q. How far were you from the constables?

A. I had to run four or five yards to the right.

Q. After you got to the constables, what did you then do?

A. After I got to the constables, I then went with part of them to the house in which the Magistrates were assembled, and there I saw Mr. Hunt brought in custody.

Q. How long had you been there, before he was brought in custody?

A. Not many minutes. It was very few minutes before he was brought by Mr. Nadin, with others, to that house.

Q. Well, what next took place?

A. I did not think it safe to go home then, and so I went down with Mr. Hunt to the New Bailey.

Q. About what o'clock was it then?

A. It might be about one or two o'clock, but I don't know exactly, for I never carry a watch.

Q. How came you to go down to the New Bailey?

A. Because I did not think it safe to go through the streets by myself.

Q. Was that in your way home?

A. No, it is not.

Q. Why did you not think it safe to go through the streets by yourself?

A. Because the mob was in that state, that I did not think it was fit for any respectable person to be seen in the streets.

Q. Did you see any more of it?

A. I did not see any thing more until seven or eight o'clock at night.

Q. How long were you on the ground?

A. From about half-past eleven, to the time Mr. Hunt was taken off.

Q. You were not at the hustings when Hunt was taken?

A. No. Seeing the Yeomanry approaching, I joined the constables, but not until after they were assailed with stones and brickbats and sticks. I saw no danger until then; but I then feared some danger might ensue.

Q. Now, before you got to Mr. Buxton's house, had any other Cavalry come upon the ground?

A. I believe some of the Cheshire Yeomanry had.

Q. What time do you think they came on the ground, and from what part?

A. I don't exactly know the direction they came in; but I know they were on the ground.

Q. Were the 15th Hussars also on the ground?

A. I saw the Regulars on the ground, I know; because the Regulars were the party that escorted Mr. Hunt down to the New Bailey.

Q. Were the 15th Hussars on the ground when Hunt was taken to Mr. Buxton's house?

A. I can't say they were on the ground then; but I saw them afterwards, in escorting him to the New Bailey.

Q. Were the Cheshire Yeomanry on the ground at the time Mr. Hunt was taken?

A. The Cheshire Yeomanry were there at the time Hunt was taken, I know.

Q. Are you sure of that?

A. That I am positive of.

Q. In which way did the Manchester Yeomanry proceed from Mr. Buxton's house to the hustings; was it in line?

A. I should conceive it was in line.

Q. Did they strike any one as they went up to the hustings?

A. I did not see any individual struck by all the Cavalry.

Q. Did you see the Cheshire Cavalry on the ground at any period before the Manchester Yeomanry arrived at the hustings, and if not, how soon after?

A. I do not think I saw them on the ground before the Manchester Yeomanry arrived at the hustings, but shortly after that, I saw the Cheshire Yeomanry I know; and that was the cause of my going among the special constables, because the Cheshire Yeomanry knew no distinction of persons, and I thought the Manchester Yeomanry might.

Q. But you are sure that the Cheshire Yeomanry were not upon the ground, before the Manchester Yeomanry got up to the hustings?

A. It might be shortly previous, perhaps.

Q. Did they also proceed towards the hustings?

A. They were going in different directions all over the field, as I thought dispersing the mob.

Q. Were there none of the Manchester Yeomanry that met with a stoppage between Mr. Buxton's house and the stage?

A. I could see none.

Q. What did the Manchester Yeomanry do, as soon as they arrived at the hustings?

A. I did not see that; I, seeing them assailed with brick-bats, left the situation in which I was, before they arrived at the hustings.

Q. Before the Manchester Yeomanry entered the crowd, did you hear any thing addressed to the crowd from that part of the field where Mr. Buxton's house is, or from Mr. Buxton's house, or by any gentleman on horseback or otherwise?

A. I did not; I saw Mr. Norris, the magistrate, and two constables, Moore and Andrews; but I never heard them say a word to

any body ; they were walking up and down among the mob, but I never heard them address, or say a word to any one.

Q. What time was this ?

A. That was previous to Mr. Hunt arriving ; I never saw them out afterwards.

Q. Did you see any thing done in that part of the field, or any other, that induced you to believe that the Riot Act was read ?

A. I never heard it read, nor did I hear any body say that they had heard it read.

Q. Did you see what the Manchester Yeomanry did before you turned from the situation you first were in, after they had been assailed by the mob ?

A. No ; I did not ; for the moment I saw the stones fly, I began to be in fear, and I departed as soon as possible, and joined the constables.

Q. Until the time you quitted your station, had you observed any blows given to persons by the Manchester Cavalry on the right or left ?

A. None whatever.

Q. For what purpose did you suppose the Manchester Yeomanry were going up to the hustings ?

A. My conception was, that they were coming with a constable to take some persons on the hustings into custody, having heard that there were warrants granted against them by the magistrates.

Q. Did you, before you got to Mr. Buxton's house, see any other stones or things thrown at the Cavalry ?

A. No ; but I saw several hundred sticks that had been gathered together by several persons, off the ground, and which were brought up and put in front of Mr. Buxton's house, before I went to the New Bailey ; where they were deposited afterwards, I can't tell ; but I saw them then gathered together in front of Mr. Buxton's house.

Q. What description of sticks were they ? Were they common walking sticks ?

A. No ; they were not common walking sticks, but they were large heavy sticks ; they were sticks such as I saw the parties coming to the meeting, carrying on their shoulders.

Q. Do you mean those people who were going past the Albion ?

A. Yes.

Q. This was before you went down to the New Bailey ?

A. Yes.

Q. Did you hear any firing at any time ?

A. Yes ; at the time the Manchester Yeomanry were advancing, I heard a report of either pistols or guns, from a direction that I am sure no military could have been in.

Q. What direction was that ?

A. As I conceived, it was to the right of the houses, near some cottages or houses situated below the Quakers' meeting-house.

Q. Do you know how many reports there were ?

A. I heard several discharges ; but I can't say how many.

Q. When you went down to the New Bailey, was the ground cleared of the crowd or not ?

A. It was completely cleared, as I conceived.

Q. Did you see any military formed into a square ?

A. No.

Q. Where were the military then ?

A. Part of the military accompanied the special constables to the New Bailey, and I accompanied them.

Q. Were those that accompanied the special constables to the New Bailey with Mr. Hunt, only Regulars ?

A. Only Regulars.

Q. Do you mean by Regulars, regular Cavalry ?

A. Yes.

The CORONER (*to Mr. Ashworth*)—I don't know whether you will ask this witness any questions. I intend to allow Mr. Harmer to examine this *one* witness.

Mr. ASHWORTH (*to the Coroner*)—You *will* allow him, Sir, to examine the witness ?

The CORONER (*to Mr. Ashworth*)—Yes.

Mr. ASHWORTH (*to the Coroner*)—Well, Sir, I don't object to it. The thing has been investigated, and I understood you to express a contrary determination ; but, however, it entirely rests with you.

The WITNESS examined by Mr. ASHWORTH.

Q. Between ten and eleven o'clock of the morning of the 18th of August, I think you say you were at the Albion Hotel, in Piccadilly ?

A. Yes, Sir.

Q. Is that in the direct road from Stockport to the ground ?

A. Yes, it is. I heard that a procession was coming from thence, and that induced me to go there to see them, accompanied by Mr. Robert Mutrie.

Q. That procession consisted of several thousands ?

A. Yes.

Q. With flags, you say ?

A. Yes.

Q. Do you recollect any inscriptions on those flags ?

A. I noticed them at the time, but I cannot now take upon myself to say what they were.

Q. Do you recollect what was the colour of the flags ?

A. I cannot say what the colour of those was, that came from Stockport. I did not take so much notice of the flags then, as I did afterwards on the field near the hustings.

Q. Now did the people that you saw come past the Albion—did they come in the way in which people ordinarily come into a town about business, or their concerns, or to market, or like people going to church ?

A. On the contrary ; they came in marching order, as a regiment of soldiers coming into a town.

Q. Was there any band of music with them?

A. I can't say that I remember a band of music with those that came from Stockport.

Q. Was any thing in particular done in passing the Hotel?

A. Moorhouse repeatedly took off his hat and cheered.

Q. Then he was with that procession?

A. Yes, he was on a stage coach, of which I consider he is one of the proprietors. The coach was at the head of the procession.

Q. Was the coach going at the pace at which stage coaches commonly go?

A. No; it was walking, to keep pace with the other people. He took off his hat and cheered the populace. The rest joined him, but I particularly noticed him.

Q. How many times did they cheer?

A. Several times. In the position in which I was, I could see them below Portland-place to the White Bear.

Q. Was there any shouting?

A. Yes, a great deal of shouting; particularly at the corner of Oldham-street, which is at the corner of the Albion Hotel.

Q. Did you, during that time, hear any word of command given by any body?

A. That I can't say. I afterwards did in Mosley-street.

Q. That was when you were going to the ground?

A. Yes; that was afterwards, and it was the Oldham company; and they had a black flag.

The CORONER (*to the Witness*)—Were these two companies together?

A. No.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. How do you know this company came from Oldham?

A. I can't say from where they came, but they came in, in that direction, and I understood that they were coming from Oldham and that neighbourhood.

Q. Had they a band of music?

A. Yes, they had a band of music.

Q. Did you see any other but this one flag, which you say was black?

A. I saw a great number of flags.

Q. But did you see any other flags with that company?

A. Yes, I did.

Q. How many were there?

A. There was a green one, but I don't know how many they had altogether. I can positively speak to three.

Q. And amongst those, you say, there was one black one and one green one?

A. Yes.

Q. Do you recollect any inscriptions on those flags?

A. I cannot positively recollect the inscriptions. I might speak to them, but I cannot speak to them positively.

Q. Did that body come into the town as people who are coming about their ordinary concerns, to market, or about business, or did they come otherwise?

A. No. They came marching in military order, and previous to their arriving at St. Peter's church, the word "*halt!*" was given, and the band then struck up "*Rule Britannia,*" and several cried out, "*Britons never will be Slaves.*"

The CORONER (*to the Witness*)—Did they halt?

Q. Yes, as I conceived, by military command.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you see by whom this word "*halt,*" was given?

A. No.

Q. Was it given only by one person?

A. Yes. There appeared several of them not marching in numbers with the rest, but one out of every five or six files, separated from them by the side, as if to have the command of them. There was one to every five or six companies.

Q. In what part of the body was the person that said "*halt?*"

A. I conceived that he was towards the band.

Q. Was he at the head of the body, or where?

A. Not at the head, I do not think. He was close to the band. But he cried out "*halt!*" and then the band struck up "*Rule Britannia.*"

Q. Was the step with which they proceeded, the ordinary step in which any irregular body of persons following each other, would walk?

A. On the contrary; it was the step of military soldiers; some joined hands, and some did not.

Q. What number of persons, according to the best opinion you could form, did this body consist of?

A. I did not see the whole number, because, after several hundreds had passed, I went to the field, and expressed to my friends around me—

Mr. HARMER (*to the Witness*)—Stop, stop, Mr. Entwisle; No doubt, what you expressed to your friends is very interesting, but it is not evidence, and as a professional man you ought to know that.

The CORONER (*to the Witness*)—You must not tell us what you said to your friends.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you look up Mosley-street, at the time?

A. Yes, I did.

Q. Well, and did you see any part of it empty?

A. No. It was completely filled.

Q. How far could you see up Mosley-street?

A. I first got upon the step of Myers's, the Stamp Office.

Q. That is not far from the church, I believe?

A. It is just close to St. Peter's church.

Q. Two doors from it, I believe?

A. Yes; but there is an interval between, besides.

Q. How long was there a pause or stopping, after the word "halt!" was used?

A. A very short time. I don't altogether know that they did all halt; but just before the band they did, and a great many others also.

Q. Was there any thing said before they proceeded again?

A. I did not hear any thing said. The band first attracted my notice, by striking up "*Rule Britannia*."

Q. Did you then, Sir, take any station on the field?

A. Yes.

Q. What next took place?

A. After that a cart or waggon came into the field.

Q. How near to the hustings were the people stationed then?

A. The hustings were not then built.

Q. But how far were they from the place where the hustings stood afterwards?

A. Not more than ten yards at that time.

Q. How far were you from the houses in Windmill-street?

A. I can't tell. I don't know the houses in Windmill-street.

Q. There is a row of houses to the left of Mount-street, do you know that?

A. Yes; I know there is a row of houses to the left of Mount-street.

Q. The ground is a little elevated there?

A. I can't exactly say.

Q. Was there no part of the hustings then, or platform, built, upon which the people afterwards stood, at the time you returned from Mosley-street?

A. I don't know whether it was the first or second time I came upon the field; but I know I was there when the cart and planks to erect the hustings, came. I will not say which time it was.

Q. Then, Sir, you saw, did you, the hustings begin to be formed?

A. I did.

Q. How were they formed?

A. I cannot tell, exactly; but there was a waggon or cart, with a chair in it, and planks, and men were dragging it through the people assembled.

Q. When it was formed, did you observe several flags near it?

A. Several flags were taken there furled, and afterwards expanded.

Q. How many do you think there were?

A. I think there were ten or twelve.

Q. Were they all at the hustings?

A. All were at the hustings at one time, but afterwards some were taken down to form a line for Mr. Hunt to come up to. I heard a direction to that effect given by somebody, but I don't know by whom.

Q. When that arrangement was made, and the flags were dispersed in a line, did you see how many flags there were at the hustings at that time?

A. I don't think there were more than one or two at that time, because they were all spread abroad. Hearing Mr. Hunt was coming, I then went down to see him towards Deansgate.

Q. Did you see Mr. Hunt coming?

A. I did, in an open carriage. A female sat upon the dickey next to the coachman, bearing a flag.

Q. Did you see any thing upon that flag?

A. I cannot now remember the inscription, but there was something upon it.

Q. Some figure, do you mean?

A. Yes; representing Justice, if I remember correctly.

Q. The carriage was an open carriage, you say?

A. Yes, it was an open carriage.

Q. Who were in it?

A. Hunt, Moorhouse, Johnson, and two others, were in it.

Q. How many people do you think there might be in that body that came with Mr. Hunt?

A. I can't say, because as soon as he came I tried to get back to my own station as near as possible.

Q. Were you in Deansgate at all?

A. I was at the bottom of Deansgate.

Q. Where did you come back to?

A. I came to my own station again: as near as possible to my own station, and I believe I did not deviate a yard.

Q. Was there any band of music with the body that accompanied Mr. Hunt?

A. I believe there was, but I will not speak positively to that. If I remember right there was a band, and they were dressed in blue.

Q. Did you see any flags with Mr. Hunt's party?

A. Yes.

Q. You have spoken to one; but were there others?

A. One or two others.

Q. Did you come up again with the body that accompanied Mr. Hunt?

A. No. I had a long round to take, before I could come to my own station. I went round by Mount-street.

Q. Did you get to your own station again?

A. Yes.

Q. And when did you next see Mr. Hunt?

A. I saw him just before he came to the hustings, but I heard a great shout just at the time he ascended it.

Q. Did you see if there were any and what number of flags there were about the hustings at the time when Mr. Hunt took his station?

A. I can't speak to the number, but I saw a great many, and the black flag in particular.

Q. On which side of the hustings was that flag?

A. It was nearer Deansgate, than the hustings.

Q. Were there any Caps of Liberty about the hustings?

A. Several.

Q. When you saw the flags ranged upon the hustings, did you then notice the inscriptions on them?

A. No, I did not particularly; but on one there was "*No Corn Laws*," on another "*Free Representation or Death*," and "*Annual Parliaments*" on a green one. I think these were the inscriptions, to the best of my recollection, but I did not take notice of them particularly.

Q. How many flags might there be in the whole, taking into the number as well those on the hustings, as those in the line?

A. I suppose about fourteen, but I may say with moderation there were at least twelve. I did not count them.

Q. How many Caps of Liberty were there in the whole?

A. I cannot undertake to say, as I did not take particular notice, but there were several. There was also on one flag, which I particularly noticed, a bloody dagger.

Q. A delineation of a bloody dagger, I suppose you mean?

A. Yes, which I not only mention now, but mentioned to some friends on the ground.

Q. Do you recollect the inscription that was on that flag at the time?

A. No, I do not.

Q. What was done when Mr. Hunt came upon the hustings?

A. Some person or another proposed that he should take the chair, which he did, and shortly afterwards addressed the meeting.

Q. Was there any thing said in the way of speaking before he came?

A. Yes; there were several addresses made to the people round the hustings long previous to his coming, but I cannot say what was said.

Q. Was it before or after he came upon the hustings that you heard the report of fire arms?

A. It was after he came from the hustings, and after the military had made it's appearance.

Q. You say you conceive that came from towards the Quakers' Chapel?

A. I do.

Q. You saw the Yeomanry Cavalry come into the crowd?

A. Yes, I did.

Q. Was any thing done by the crowd assembled when the Cavalry made their appearance upon the ground?

A. The moment Mr. Hunt saw them, he took off his hat and waved it that way—(here Mr. Entwistle waved his hand)—and the populace cheered, which I considered as threats of defiance.

Q. Were there cheers when Mr. Hunt came on the ground?

A. Very great cheers from all quarters.

Q. And were there also cheers as the different bodies came upon the ground?

A. Yes. As the different bodies came, they all got saluted by their friends around them.

Q. You have lived in Manchester some time?

A. Yes.

Q. How long?

A. Ever since I was born, except during the time I was at school.

Q. Did the people who composed the different bodies appear to you to be Manchester people, or to be others?

A. On the contrary; I saw very few Manchester people on the ground, unless a number, who, like myself, went out of idle curiosity.

Q. Did the Manchester people that you saw, come in a body?

A. No; I did not see any of the Manchester people parade or come in any body. The only Manchester gentlemen I saw come in a body, were the Manchester constables.

Q. From what you saw, do you think the Manchester people joined in the cheers?

A. On the contrary, not one of them that I knew to be a Manchester person, ever took off his hat or cheered.

Q. Were the Manchester people or the country people nearest the hustings?

A. The country people. I don't know that I saw one Manchester person, that I knew to be so, nearer the hustings than I was.

Q. As the persons from a distance came on the ground, where did they appear to range themselves?

A. As near the hustings as they possibly could approach.

Q. Were the hats of the different bodies that came from a distance kept upon their heads?

A. In general they were taken off.

Q. Had the Manchester people you saw, their hats on or off?

A. On.

Q. Did you observe any difference in the cheering that was given when Mr. Hunt and the different bodies came on the ground, from that which was given when the Cavalry came?

A. I think the cheering to the Yeomanry Cavalry was much greater, but it was not only cheering, but it was hisses from different quarters.

Q. From what you saw of the cheering when the different bodies came on the ground, and when Mr. Hunt came on the ground, did you consider those cheers as marks of defiance?

A. I considered them as cheers to Mr. Hunt and the different bodies, and not meant to them in defiance. On the contrary, they were cheers to them for joining the meeting.

Q. You say there were hisses mixed with the cheers to the Yeomanry Cavalry?

A. Yes.

Q. Was that so in the cheers that were given before?

A. No.

Q. Is that your reason for saying that the cheers which were given when the different bodies came on the ground, and when Mr. Hunt came on the ground, were cheers of congratulation; and those given when the Cavalry came, were cheers of defiance?

A. Yes.

Q. Was there any other difference between the cheers given when Mr. Hunt and the different bodies came on the ground, and those given when the Yeomanry came?

A. Merely that all the parties looked towards the Yeomanry, when they waved their hats.

Q. Did you hear any hissing when Mr. Hunt came on the ground?

A. No; as soon as Mr. Hunt saw the Yeomanry Cavalry, he turned round to face them and waved his hat.

Q. Were any sticks shewn when Mr. Hunt came on the ground, and when the different bodies came on the ground?

A. No; I saw no sticks waved then.

Q. Were any sticks shewn when the Yeomanry Cavalry came?

A. Yes; some hundreds were waved then.

Q. Was that also one of the things from which you conceive that the huzzaing of the Yeomanry was with a different intention from the huzzaing of Mr. Hunt and the different parties?

A. Yes.

Q. Did you hear Mr. Hunt say any thing when the different parties came on the ground?

A. He made use of some expression, "here are your enemies amongst you," or something of that kind, but I cannot recollect the words precisely.

Q. You say the word "enemies" was used?

A. Yes; I am positive that was used. "Your enemies are amongst you." I think those were the words.

Q. Was that before or after they cheered?

A. After they cheered.

Q. Did you observe any difference as to the arrangement of the people in any respect after the Cavalry came upon the ground?

A. They seemed to turn their faces towards them, and then the Cavalry approached upon the trot.

Q. Was any thing done with the hands of any body after the Cavalry came upon the ground?

A. Not with the hands, until I saw the things thrown at them.

Q. And that, you say, was when the Cavalry were within about fifteen yards of the hustings?

A. Yes; about that distance; and the moment I saw it, I went to the special constables.

Q. Did you observe, Sir, the particular position in which the

swords were held by the Yeomanry when they came up towards the hustings?

A. They were waving them in the air frequently. I never saw a single blow struck by any individual, and if they had thought proper to have done so, they might have slain thousands.

Q. From what part did the brick-bats and sticks and stones come?

A. From towards Peter-street. It was impossible the Yeomanry could see from what direction they came, but it seemed to me that they came from that direction—that is, standing where I was to the left of the hustings.

Q. Had you been on the ground that morning before the people assembled?

A. The first time I was there that morning, I went there previously, about ten o'clock, and there were very few people then there. We might see right up Mosley-street to the Albion.

Q. Did you see at that time, upon the ground, any brick-bats or stones, or sticks, of the description that you saw thrown at the Yeomanry?

A. With respect to stones and brick-bats, there might be bricks, for they are making bricks in the neighbourhood; but I did not see any sticks whatever.

Q. Were there, to the best of your observation, a sufficient quantity of stones and brick-bats on the ground near Peter-street, to account for as many being thrown as you saw thrown?

A. No; certainly not.

Q. You went, you say, immediately on that, and joined the special constables?

A. Yes, I did, seeing the danger in which I thought I was.

Q. Previous to that, Sir, taking place—I mean these brick-bats and stones being thrown, had you seen the Yeomanry, either with the flat or the sharp sides of their swords, strike any person living in the meeting that was assembled?

A. I never saw a single blow struck during the whole of the time.

Q. That is, not before the brick-bats and stones were thrown?

A. No.

Q. And after that you immediately went to the house where the Magistrates were assembled?

A. Yes.

Q. What did you conceive to be the object of the Yeomanry in going into the crowd?

A. My impression was, that, they were coming with the civil power to take some of the parties into custody. I had previously heard that warrants were granted.

Q. Did you see any of the civil authorities give any orders before they advanced?

A. No, I did not. I saw a gentleman speak to Mr. Birley.

Q. But that gentleman did not accompany them in their advance?

A. No.

Q. Was the ground upon which you stood, commanding enough, that if any blow had been struck by the military in advancing, you must have seen it?

A. Certainly.

Q. When you had got amongst the constables, where were the Yeomanry?

A. They were approaching the hustings; but I cannot say at what distance they were from the hustings at that time.

Q. When you had left your station, you had then lost sight of them?

A. Yes.

Q. When did you see them again?

A. I did not see them again, until I saw them bring Mr. Hunt in custody to the house in which the Magistrates were.

Q. Beside the report which you say proceeded from near the Quakers' Meeting-house, did you, at any time afterwards, hear any other reports?

A. No.

Q. Did you see any other description of soldiers among the crowd beside the Manchester Yeomanry, dispersing them?

A. Yes, the Cheshire Yeomanry.

Q. Did you see any of the Regulars?

A. The first thing I saw of the Regulars was, when they came to escort Mr. Hunt down to the New Bailey.

Q. Did they appear to you to use their swords in the same, or a different way, from the Manchester Yeomanry?

A. No. On the contrary, I think they were more exasperated than the Manchester Yeomanry, and expressed the same as we went down to the New Bailey, for I went down with them; and they certainly were insulted in the streets as we went along.

Q. They were the 15th Hussars?

A. Yes.

Q. Was the first time you saw the Cheshire Yeomanry, not until after the stones were thrown?

A. I did not see them until I got to the house in which the Magistrates were, and then I saw them dispersing the mob from about the hustings.

Q. What makes you say, that when in the act of dispersing, they appeared to be more exasperated than the Manchester Yeomanry?

A. I said the Regulars. They only wished some act of violence to be committed that they might revenge themselves.

Q. That was the 15th Hussars?

A. Yes; and the populace insulted them all the way down to the New Bailey. At the time I saw them dispersing the mob, they were galloping in all directions.

Q. Who were?

A. The Cheshire Yeomanry were galloping in all directions, and the Manchester Yeomanry.

Q. As well the Manchester Yeomanry, as the Cheshire Yeomanry?

A. Yes.

Q. You have lived ever since your childhood at Manchester?

A. Yes.

Q. Did you ever see any meeting like that before?

A. No.

Q. Did you ever see such a meeting any where?

A. No. At Liverpool I have seen a very large meeting at the time of the election; but never any thing like this meeting.

Q. Was it possible, in your opinion, to disperse such a number of persons without some accident or other, however forbearingly it had been done?

A. I am certain it was utterly impossible.

The WITNESS cross-examined by Mr. HARMER.

Q. You went, I think you say, to the ground four times?

A. I went first about ten o'clock, thence I went to the Albion and back again.

Q. How long did you stop at the Albion?

A. I can't undertake to say, for I never carry a watch.

Q. Then did you go down Mosley-street?

A. From the field to the Albion, I went up Mosley-street.

Q. And then you went to the ground, and saw them preparing the hustings?

A. They were not then preparing them.

Q. How long did you remain on the field the second time?

A. I remained there, until I heard that Mr. Hunt was coming.

Q. About what time was that?

A. That was about one o'clock.

Q. A great many people had assembled then?

A. Many thousands.

Q. Then you went to Dean's-gate to see him come into the field?

A. Yes.

Q. Then you came back again, you say, to your former station?

A. Yes; I went round from St. Peter's-street, round Mount-street, and then round to the hustings. It was a round-about way, but I conceived it was utterly impossible to get round to my former station otherwise.

Q. The parties consisted of men, women, and children?

A. Yes.

Q. About what age were the children, apparently?

A. Boys about ten or twelve years of age.

Q. And girls, were there not, Sir?

A. I don't know that I noticed any young females. I don't know that I saw any females, except in the party that came from Stockport. There was a number of females among them.

Q. How many?

A. I don't know how many.

Q. The men had large sticks?

A. Yes.

Q. And were in military step?

A. They marched.

Q. You anticipated some danger from seeing so many people?

A. Certainly I did.

Q. When did these apprehensions of danger first come upon you?

A. As they passed by the Albion.

Q. Then will you be good enough to inform us how it was, that after you entertained these dreadful apprehensions of danger, you went twice into the midst of the meeting?

A. (*Here the Witness hesitated*) Why—eh?

Q. You heard my question, answer it, if you please?

Mr. ASHWORTH (*to Mr. Harmer*)—He is going to answer it, Sir, if you will give him time.

Mr. HARMER (*to Mr. Ashworth*)—Time, Sir; he has had plenty of time to answer it, if he thinks fit. (*To the Witness*)—Now, how is it, Sir, that after all your dreadful apprehensions of danger you go immediately into the midst of it?

A. I was close to the special constables all the time. I was well aware that there was an understanding between the military and the civil power, and that they would not act against the civil power—(*hesitatingly*)—I mean, that they would not act unless there was occasion.

Q. Oh! then, you knew there was an understanding between the military and the civil power, did you?

A. I knew that the special constables were to be upon the ground, and I knew that as long as I was with them I should not suffer. I knew they were to be there, and I saw them come close in.

Q. Who told you of the arrangement, upon your oath?

A. I saw the arrangement. I knew they were summoned to meet in the morning.

Q. Where did you say the arrangement was made between the military and the special constables?

A. Why I knew the military would be — No, I did not say an arrangement between the military and the civil power.

Mr. ASHWORTH—No, the witness never said any such thing. He said there was an understanding.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Well, Sir, we will take it as an understanding, if you please. When and where did that understanding take place, between the military and the civil power?

A. I knew there was an understanding.

Q. Now upon your oath, who told you there was an understanding?

Mr. ASHWORTH (*to Mr. Harmer*)—Don't be quite so severe, Sir, upon the witness.

Mr. HARMER (*to Mr. Ashworth*)—Sir, I am not severe upon the witness ; but when he hesitates and stammers in his evidence, I must use the best means in my power to extract the truth, and I must not be interrupted in this kind of way.

Mr. ASHWORTH (*to Mr. Harmer*)—Interrupt you, Sir, (*to the Coroner*)—Good God, Mr. Coroner, is this Gentleman so very warm that he must not be set right, without talking of interruptions? Mr. Entwisle is as respectable a man in his profession as Mr. Harmer, and he is not to have these insinuations thrown out, that he is not telling the truth.

Mr. HARMER (*to Mr. Ashworth*)—I am saying nothing, Sir, about Mr. Entwisle's respectability, for I know nothing of him ; but I say that nothing has fallen from me, which has not been called for by the manner in which Mr. Entwisle has given his evidence since I have been cross-examining him.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. This interruption makes it necessary that I should repeat my question. Now I ask you, Sir, upon your oath, who was it told you there was an understanding between the military and the civil power?

A. It was my own ideas.

Q. You said just now you knew it?

A. Yes, as well as my own ideas would tell me.

Q. Now then, Sir, what do you mean by the word "Understanding?" explain that term.

A. I have explained it. I have said that they would not act unless there was occasion.

Q. Have you no other explanation to give me?

A. I say this was my own idea, that they would not act or interfere with the mob, unless there was occasion.

Mr. ASHWORTH (*to the Witness*)—Do not be at all alarmed, Sir ; I will protect you against all noise and clamour.

The WITNESS (*to Mr. Ashworth*)—I am not all alarmed, Sir.

Mr. ASHWORTH (*to the Witness*)—I expressed myself improperly ; the Court will protect you, I should say.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Now, Sir, what did you mean by stating that you placed yourself under the protection of the special constables?

A. I placed myself under the protection of the special constables to get out of the way of the Cheshire Yeomanry, because they could not distinguish persons so well as the Manchester Yeomanry.

Q. But according to your own account, the Cheshire Yeomanry were not then upon the ground?

A. Yes, but they were coming upon the ground.

Q. How did you know they were coming upon the ground?

A. Why, (*hesitatingly*) I saw them.

The CORONER (*to Mr. Harmer*)—Not quite so fast, Sir, I cannot take it down so quick.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Now, why did you put yourself under the protection of the special constables?

A. Why I had no doubt but that the Manchester Yeomanry would understand which were the special constables, much better than the Cheshire Yeomanry, who were strangers to the town.

Q. Then all were to be cut down except the special constables?

A. I saw no cutting.

Q. So you have said. You have said that you did not see any one cut on that day. Now I ask you upon your oath, did you not see several cut?

A. No, I did not.

Q. Do you mean to swear, Sir, that you did not see a great many wounded persons?

A. I saw several after the meeting was over.

Q. Did you not look out at the window of the room in which the Magistrates were?

A. I was not in the room in which the Magistrates were. I stood at the door.

Q. You saw the Cheshire Yeomanry and the 15th Hussars on the ground?

A. Yes. The 15th Hussars came up at the time Mr. Hunt was in custody, to escort him down to the New Bailey.

Q. You did not go into the house in which the Magistrates were at all?

A. I did not.

Q. Is Mr. Mutrie here?

A. Not to my knowledge.

Mr. ASHWORTH (*to Mr. Harmer*)—You shall have him, Sir, you shall have him. He will be here to-morrow.

Mr. HARMER (*to Mr. Ashworth*)—Very well, Sir; I only asked whether he was here now.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. The people were very quiet and amicable until the soldiers came?

A. I cannot say that.

Q. Why you have told us that there was nothing but good natured cheering until the soldiers came?

A. If they saw a respectable person they would be sure to insult him, for I was most grossly insulted myself.

[*Here some persons laughed.*]

Mr. ASHWORTH (*to the Witness*)—Yes, and there is now a laugh at the idea of your being a respectable person.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Notwithstanding all your apprehensions and terror, you went three times among those people who excited your fears?

A. I went merely to see the parties coming into town.

Q. Did you see any of these respectable people you have talked of, intermixed with the crowd?

A. No.

Q. Did you hear any screams of people in distress?

A. I did; but that was after the stones and brick-bats had been thrown, and after they were dispersing them.

Q. Where were the Cavalry situated when the stones came?

A. They were making their way to the hustings when the stones came.

Q. And I think you said they were about fifteen yards from the hustings at the time?

A. Nearly. I can't say positively.

Q. How many yards had they come through?

A. Fifteen yards or above.

Q. Upon a sharp trot?

A. Yes, brandishing their swords in the air.

Q. The stones came from the direction of Peter-street, you say?

A. I did not see who threw them, but I conceived they came in that direction. I saw the direction when the stones assailed the military.

Q. And they came from towards Peter-street?

A. I conceived so from my information. They came from the mob round the hustings, and I believed from towards Peter-street.

Q. The stones then would go towards the houses in Windmill-street?

A. No; they went towards Mount-street.

Q. How near did the soldiers come to the line of Windmill-street, before the stones were thrown?

A. I don't know Windmill-street.

Q. It is where the high ground is.

A. The soldiers did not come within five or six yards of me, and I might be about six yards from Windmill-street.

Q. Had the people looking out of the windows in their houses as good an opportunity of seeing all that passed as you had?

A. There were a good many looking out of their windows.

Q. But had they got as good an opportunity of seeing all that passed as you had?

A. What they saw, I cannot say.

Q. Am I to take that as your answer?

A. Yes.

Q. Very well. Now who told you that there were warrants out for the apprehension of any one?

A. Why I heard it whispered and rumoured about, over and over again.

Q. When?

A. I will not speak to the precise time, but it was after.

Q. Were not the warrants signed in the house in which the Magistrates were assembled?

A. I don't know. Several people mentioned that they were out.

Q. Who mentioned it?

A. Several constables mentioned it.

Q. They mentioned that the Magistrates had granted warrants?

A. No; they mentioned that warrants were out to take Hunt, Moorhouse, and Johnson, and the others.

Q. The 15th Hussars were very active in dispersing the people?

A. No, not particularly.

Q. And the Cheshire Yeomanry?

A. Yes; they were in different directions, as well as the Manchester Yeomanry; particularly about the Quakers' meeting-house.

Q. That you saw?

A. Yes.

Q. Will you tell us who the gentleman was that spoke to Captain Birley?

A. I don't know. I have made repeated inquiries, but have not learnt. But I should know him, if I saw him again.

Q. Was he a Magistrate?

A. I considered him so.

Q. How was he dressed?

A. He was on horseback, and he had a blue coat on.

Q. When the Manchester Yeomanry came on the ground, the mob, as you call them, cheered them and turned their faces towards them?

A. Yes.

Q. Which is the usual way of cheering any body, is it not?

A. They turned their faces and cheered them, but not in the usual way of cheering any body.

Q. Will you be good enough to tell us what was the difference?

A. They brandished their sticks in the air in defiance, as it were.

Q. Well, there was "Rule Britannia" played in Mosley-street, and the people joined in the chorus?

A. I will not say, joined in the chorus, but they were exclaiming "Britons never *will* be slaves."

Q. And was there any thing very terrific in that?

A. From what I saw of them coming into town, and their determined manner, I thought it was; and it was not in the way in which I have been in the habit of hearing "Rule Britannia" sung.

Q. How did they sing it differently?

A. Why they said nothing more than "Britons never *will* be slaves."

Q. That is the chorus, is it not?

A. Not the whole chorus. It is "Britons never *shall* be slaves."

Q. There was something very terrific in these bodies as they came into the town?

A. Certainly there was ; and I had no doubt whatever, but that the public peace of the town would be broken.

Q. Yes, but the question is, by whom ? There had been an arrangement of the constables in the morning, you say ?

A. Yes, about nine o'clock in the morning, I was witness to that ; just after I got my letters from the Post Office.

Q. Had there been any of the military out ?

A. I saw some of the Yeomanry riding separately in the streets.

Q. Patrolling the streets, do you mean ?

A. No.

Q. Where did you see them ?

A. I saw two or three in St. James's-square.

Q. Their orderly room is there, is it not ?

A. Yes ; and I saw them come in there, to know where they were to meet.

Q. Was that the square where the constables were assembled ?

A. Yes.

Q. Might not any magistrate or constable, active in his duty, have seen all these parties, as they came into the town ?

A. They came in different directions.

Q. But you saw them you know, and your attention was merely attracted from curiosity ?

A. I saw them when I was at the Albion, and in Mosley-street, and at Deansgate.

Q. Might not any constable active in his duty, have seen as much as you saw ?

A. Yes, no doubt.

Q. Well then, I ask you whether the Magistrates might not have prevented these people assembling, if they thought it unlawful ?

A. I think it completely impossible to have prevented their assembling that day.

Q. Had they not —

The CORONER (*to Mr. Harmer*)—Stop ! stop, Sir, not so fast ! (*to the Witness*) you mean that the Magistrates alone could not have prevented their assembling that day ?

A. No, it was not possible.

Mr. HARMER—Although stopt, Sir, I must follow up my enquiry on this point.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Was there any attempt made to prevent their going to the field, or to disperse them, except by the military, which, you have said, was likely to be productive of the greatest danger ?

A. If they had taken the military, I have no doubt they could have prevented them from assembling.

Q. Did you see any effort made to disperse them, by any caution or admonition of any sort ?

A. I saw nothing more than the placards posted against the walls,

telling the people not to attend that meeting ; which was requested of all people.

Q. What were the contents of those placards?

A. I don't exactly recollect the words of them ; but they were posted in all directions.

Q. Did they not request all well-disposed persons to stay at home?

A. I believe it was something of that kind, but I cannot tell positively.

Q. How happened you to go there then, as, no doubt, you are a well-disposed person?

A. As I before told you, from idle curiosity.

Q. Were there not many more people who went from the same inducement?

A. Yes ; I saw great numbers ; hundreds indeed. Several of my friends who were neither constables nor Yeomanry were there.

Q. Did you see any of them in danger ?

A. I saw one person cut, who was a special constable.

Q. Give me his name ?

A. Mr. Derbyshire. His hat and head were both cut, and he came up to the house in which the Magistrates were.

Q. What did you mean by saying a little time ago, that you did not see any one cut ?

Mr. ASHWORTH (to Mr. Harmer)—He meant, he did not see the blow given.

Mr. HARMER (to Mr. Ashworth)—No doubt, Sir, Mr. Entwisle can very well explain by himself, what it is he means.

Mr. ASHWORTH (to the Coroner)—But, Sir, if the gentleman misconceives a witness, I am surely to be allowed to set him right.

Mr. HARMER (to Mr. Ashworth)—If I misconceive the witness, he is perfectly capable of setting me right, and no doubt he will.

The CORONER (to the Witness)—What Mr. Ashworth said, is what you meant ; is it not ?

A. Yes. I did not see them actually cut, but they were cut.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Special constables as well as others ?

A. Yes.

Q. Did you see any women cut ?

A. I saw one woman brought down to the New Bailey, while I was there, and she was very ill ; whether she was cut or no, I cannot say ; but she was very ill.

Q. How many special constables might there be on the field, think you ?

A. I should think three or four hundred altogether. There were three or four hundred persons with staves in their hands, which I deemed to be special constables.

Q. Did you see them attempt, in any way, to disperse the assembly ?

A. I did not,

Q. You heard no exhortation from them, nor saw any act done by them, to induce the people to disperse?

A. No.

Q. When you saw the military assailed, then, you tell us, you were alarmed?

A. Yes; when I saw the military assailed, I then made as much haste as possible to the house where the Magistrates were.

Q. Then you did not conceive there was any danger until the military were attacked?

A. No.

Q. And that was fifteen yards from the hustings?

A. Yes.

Q. And you saw no danger until the military were assailed, within fifteen yards from the hustings?

A. I did not know what the end would be.

Q. And before that attack was made upon the military, you say they had proceeded fifteen yards into the crowd?

A. I think so.

Q. You have said, that in your opinion it was utterly impossible to disperse so large a meeting without some accident—What do you mean by *accident*?

A. I conceive this; that after the military were assailed, they were obliged to use violence.

Q. I ask you, Sir, could they ride into a crowd like this, at a sharp trot, as you have described they did, without destroying the people?

A. But the military were assailed, and then I thought there was danger.

Q. That is not an answer to my question, Mr. Entwisle, and you know it. Now I ask you again, whether, in your opinion, it was possible for the Manchester Yeomanry Cavalry to come upon the trot into the meeting, without destroying many persons?

[*Mr. Barrow here stood up, apparently for the purpose of objecting to this question, and looked, at the same time, stedfastly at the witness, whose eyes were fixed upon Mr. Ashworth and Mr. Barrow.*]

Mr. HARMER (*to the Witness*)—You are not to look to these gentlemen, Sir, for instructions; but answer my question.

Mr. BARROW—He is not looking at us, Sir; nor do any of our witnesses conduct themselves in the manner that I have seen your witnesses conduct themselves in. They are always looking towards you, and you are, in fact, the *fugleman* of your witnesses.

Mr. HARMER—This is echoing the Coroner's words! (*to Mr. Barrow.*)—Mr. Barrow, will you dare say that out of court?

Mr. BARROW (*to Mr. Harmer*)—I do say it. You have been a *fugleman* to your witnesses, and more people round this table have observed it besides myself.

Mr. HARMER (*to Mr. Barrow*)—It is false, Sir; I deny it most positively.

Mr. ASHWORTH (*to Mr. Harmer*)—I certainly have observed

your witnesses look with anxiety towards you. I have averted my eyes frequently to avoid the suspicion of my witnesses looking towards me in the same manner. I never encouraged a look from them to me, nor has there been any of that kind of mockery between me and our witnesses. I should be ashamed to suffer it. I have a witness here (*Mr. Entwistle*) who, I know, will speak the truth; and he is as respectable as you, Sir, though I do not mean to insinuate any thing against your private respectability.

Mr. HARMER (*to Mr. Ashworth*)—No, Sir; no man dare insinuate any thing against my private or professional character, out of this court.

Mr. BARROW (*to Mr. Harmer*)—No, Mr. Harmer, nor against mine either, for all you do come from London.

[*Mr Harmer here looked at the last speaker with an air of indifference; but made no reply.*]

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Was there sufficient time, after the military made their appearance, for the people to disperse before they were charged?

A. Yes, they could.

Q. Why, what time elapsed between the military coming on the ground, and their charging among the people?

A. Three or four minutes, I suppose.

Q. And do you mean to swear, Sir, that so great a multitude of people could have dispersed in the space of three or four minutes?

A. I won't say that they could have completely dispersed. I won't say that they could have entirely quitted the field.

Q. You were standing within ten or fifteen yards of the hustings?

A. As near ten yards as possible.

Q. And you were about six yards from Windmill-street?

A. Upwards; nearer the Windmill public-house.

Q. Did you go away with all your friends, when you saw the military?

A. I had no friends round me, then.

Q. Very well. Did you not go towards the military, or towards Mr. Buxton's house, to meet them?

A. I joined the special constables; but I did not change my situation, until I saw the military assailed with stones.

Q. Which way did the Manchester Yeomanry come in?

A. From Mount-street.

Q. But I mean, which way did they come upon the ground? You have only told me now, which way they came to the hustings. Did they come round the Cottage garden?

A. I don't know whether they came in front or in line. I rather think they came out of some clay-pits at the other end of Mount-street.

Q. That is, the Manchester Yeomanry?

A. I mean the Cheshire Yeomanry. I did not see the Man-

chester Yeomanry come on, at all. When they came on the ground I was looking towards the hustings.

Q. I understood your attention was called to them when they were coming on the ground, and that you moved your situation, when they were going towards the hustings?

A. No; I did not see them until they got into the crowd. I saw them come into the crowd.

Q. Your attention was called to a shot. Now which way did the Cheshire Yeomanry come on the ground with reference to that shot?

A. At the opposite corner, I believe.

Q. Did you see the 88th Regiment of Foot, which were then come?

A. I did not see them come at all. I saw some part of them towards the Quakers' meeting-house; but I did not see them come on the ground at all.

Q. What number of people do you suppose there were on the ground altogether?

A. I dare say 100,000 people.

Q. Now will you have the goodness to describe what were the avenues through which these 100,000 people could depart? You say they gave them four minutes to disperse, before they charged.

A. I said, that the Yeomanry had assembled three or four minutes, while this gentleman was addressing Capt. Birley.

Q. But what avenues were there, through which the assembly could disperse?

A. There was a number of directions, through which they could have dispersed.

Q. Now we will take Windmill-street first, how wide is that?

A. How wide is it?

Q. Yes, how wide is it?

A. I should think it is more than twenty yards from Mount-street to Windmill-street.

Q. But what is the width of Windmill-street?

A. I cannot say exactly, but somewhere about that.

Q. If you will just step round here, I will shew you the plan [*Here the witness stepped round to Mr. Harmer, who proceeded in his examination from the plan of the locus in quo*].—Now this is Mount-street? (*pointing out Mount-street on the plan.*)

A. Yes.

Q. Now here is a line of special constables from the house in which the Magistrates were assembled, nearly up to the hustings? (*pointing it out, on the plan.*)

A. Yes.

Q. Now this is the Quakers' meeting-house? (*pointing it out, on the plan.*)

A. Yes.

Q. Now, Sir, this from Windmill-street is one outlet, and goes into Watson-street?

A. Yes.

Q. And when the Yeomanry came down Windmill-street, did not some of them turn round up Watson-street?

A. Yes.

Q. And must not the people who went through the avenues of Peter-street have been intercepted at the end of Watson-street by the Yeomanry?

A. Why, yes, if the Yeomanry went there.

Q. Why, Sir, did not the Yeomanry gallop after the people down both these avenues? (*Windmill-street and St. Peter-street?*)

A. After Mr. Hunt was taken into custody, but not before.

Q. Now this is intended for a range of special constables (*pointing out the line upon the plan, drawn from Mr. Buxton's house nearly up to the hustings*)—Where did you join them?

A. I joined them here—(*here the witness pointed out the spot to which he alluded.*)

Q. You say the Yeomanry stopped about three or four minutes before they charged among the people?

A. Yes.

Q. Was there any thing took place during those three or four minutes, to indicate to the people that the assembly was to be dispersed?

A. I don't know that they came to disperse the assembly. I conceived they came to take Hunt into custody.

Q. Now I ask you again, and I must have an answer: Before they came at a sharp trot into the crowd, was there any thing said or done to indicate to the people, that they were about to be dispersed?

A. No.

Q. How many of the Manchester Yeomanry were there trotted into the crowd?

A. About sixty, I suppose.

Q. Now I ask you, Sir, whether a body of sixty men could have come trotting into this immense body of people, without destroying a very considerable number?

A. Accidents might have ensued.

Q. Nothing more than accidents?

A. No.

Q. What do you mean by saying that *accidents* might have ensued?

A. Why, I mean, that they might knock people down with their horses.

Q. Well then I will ask you no more.—Stop, I will just ask you now, whether the *understanding* that you have talked of, was not that the people were to be dispersed?

A. No. I heard of no understanding of that. It was merely from common report, that I heard the understanding was, the civil power was to be there; and if they could not disperse them, the military were to do it.

Mr. HARMER (*to the Witness*)—Well, I shall ask you no more questions, Sir.

[*The witness here returned to his former station by the side of the Coroner.*]

Mr. ASHWORTH (*to the Coroner*)—Will you have the goodness to put a few questions to the witness for me, Sir? Mr. Entwisle has mentioned a person of the name of Derbyshire that had his head cut. Will you be good enough to ask him, if he was the son of Mr. Derbyshire, the deputy constable of Salford?

The CORONER (*to the Witness*)—Was the Mr. Derbyshire, whom you have mentioned, and whom you say, you saw, had his head cut, the son of the deputy constable of Salford?

A. The same.

Mr. ASHWORTH (*to the Coroner*)—Will you be good enough also to ask him, Sir, whether, when the military came on the ground, if the people had been disposed to disperse, there was not an opening towards Deansgate, towards which they might have dispersed?

The CORONER (*to the Witness*)—If the people had been disposed to disperse when the military came on the ground, was there not an opening towards Deansgate, by which they might have dispersed?

A. They might have dispersed, so as to have allowed the military to go to the hustings, but, if you ask me whether they might have completely left the field, I think it was utterly impossible.

Mr. ASHWORTH (*to the Coroner*)—Will you ask him, Sir, whether, though the people could not have completely dispersed before the Yeomanry got to the hustings, they might not have begun towards the act of dispersing?

The CORONER (*to the Witness*)—Though the people could not have completely dispersed before the Yeomanry got to the hustings, could they not have begun to disperse?

A. Yes.

Mr. ASHWORTH (*to the Witness*)—If they had been so disposed?

A. Yes, certainly they might.

Mr. ASHWORTH (*to the Coroner*)—Will you be good enough to ask him, Sir, whether they could not have begun to disperse through Prince's-street, also?

The CORONER (*to the Witness*)—Could they not have dispersed through Prince's-street also?

A. It is Dickenson-street, I think.

Mr. ASHWORTH (*to the Witness*)—And also by Prince's-street? (*Pointing it out upon the plan.*)

A. Oh! yes.

Mr. ASHWORTH (*to the Coroner*)—Will you likewise ask him, Sir, whether there was not also, at the time the Yeomanry came on the ground, an opportunity for many to disperse round the Windmill public-house?

The CORONER repeated this question.

A. There was very little room in that quarter; nor am I aware of any, indeed.

Mr. ASHWORTH (*to the Witness*)—But, I mean, round at the back of the Windmill, and so down to Deansgate circuitously?

A. There is a number of streets there.

Mr. ASHWORTH (*to the Witness*)—But, is there not an opening there. I mean round, in fact, the row of houses there? Is there not open ground there, by which the people might have gone by a back street, round into Deansgate?

A. Between Mr. Buxton's house and the Windmill, there is a vacant plot of ground.

Mr. HARMER (*to the Witness*)—But, that is the direction in which the Cheshire Yeomanry came, is it not, Sir?

A. Yes.

Mr. ASHWORTH (*to the Coroner*)—Will you be good enough to ask the witness, Sir, whether he is not sufficiently acquainted with the ground, to know this, that there was a sufficient number of avenues to enable the people to begin to disperse?

The CORONER (*to the Witness*)—Don't you know enough of the ground to know this, that there was a sufficient number of openings, to enable the people to begin to disperse?

A. Yes.

Mr. ASHWORTH (*to the Coroner*)—Will you also ask him, Sir, whether they might not, by beginning actively to disperse, have left the hustings clear?

The CORONER repeated the question to the witness.

A. Certainly, they might have left the ground from about the hustings, though the field might not have been cleared.

Mr. ASHWORTH (*to the Coroner*)—Might they not then have left the hustings completely unincumbered?

The CORONER repeated the question to the witness.

A. Clearly so.

Mr. ASHWORTH (*to the Coroner*)—I am much obliged to you, Sir, for the trouble you have taken, and I am sorry to have given so much. I have no more questions to ask the witness.

The CORONER—We will now adjourn.

[Here some conversation passed between some individual members of the Jury and the Coroner, the particulars of which were inaudible to the short-hand writer.]

The CORONER—I will adjourn over to-morrow, to accommodate some of the Jury, and we will meet here on Thursday, at nine o'clock in the morning.

Mr. ASHWORTH (*to the Coroner*)—Will you be good enough to say ten o'clock, Sir, as I must attend to some private affairs.

The CORONER (*to Mr. Ashworth*)—Yes, if you like. (*To the Jury*)—Gentlemen of the Jury, I adjourn this court to ten o'clock on Thursday morning.

Mr. HARMER (*to the Coroner*)—With whose witnesses do you propose to proceed, Sir? With those produced by Mr. Ashworth and Mr. Barrow, or with those I may bring over?

The CORONER (*to Mr. Harmer*)—With those produced by Mr. Ashworth and Mr. Barrow.

Mr. HARMER (*looking towards Mr. Ashworth and Mr. Barrow*)—It might be a matter of convenience to know whether they are likely to occupy the whole of Thursday or not, as, if I thought they would, it would prevent the necessity of my bringing any witnesses here.

The CORONER (*to Mr. Harmer*)—I don't say I will allow you to examine or cross-examine any of the witnesses in future, Mr. Harmer.

Mr. HARMER (*to the Coroner*)—The court is now closed, Sir, and we cannot enter into any discussion upon that subject. I merely ask a question, as to that which may be a matter of accommodation for our mutual arrangements. I merely ask whether the examination of the learned counsel's witnesses is to be proceeded in on Thursday?

The CORONER (*to Mr. Harmer*)—Yes; that is answered.

Mr. HARMER (*to the Coroner*)—Then they are to have the precedence?

The CORONER (*to Mr. Harmer*)—Yes; you have had the precedence hitherto.

Mr. HARMER—(*to the Coroner*)—I beg leave to say, Sir, I know of no precedence that I have had; on the contrary, all the witnesses named by the constable have been called before those named by me.

ADJOURNED TO THURSDAY THE 7TH OF OCTOBER.

Interbal.

At seven o'clock in the morning of the 7th of October, Mr. HARMER received the following note from the Coroner, announcing his intention of a further adjournment of the Inquest.

"Mr. FERRAND troubles Mr. HARMER with this note to acquaint him, that to-morrow he will meet at the Angel in Oldham, at the hour appointed; but only for the purpose of adjourning the Inquest to the following day at ten o'clock, and not to examine any witnesses."

* "*Rochdale, Oct. 6th, 1819.*"

Mr. HARMER sent the following note in answer to the above:

"Mr. HARMER acknowledges the receipt of Mr. FERRAND's note, acquainting him with the further adjournment of the Inquest. Mr. H. begs at the same time to express his regret, that no reason is assigned by Mr. Ferrand, for this extraordinary proceeding."

* Mr. FERRAND's residence is at Rochdale.

It seems, that about one o'clock in the morning of the 7th of October, the grave of the deceased was opened, by order of the Coroner, and the lid of the coffin being raised up with a shovel, the Coroner came to the church-yard about three o'clock, and with the assistance of a lantern, just saw the face of the deceased. The coffin was then closed, and the grave was again filled up.

As the township of OLDHAM was thrown into a very considerable state of agitation by this measure—by the hour at which it was carried into execution, and by various unfounded reports, of there being an intention to burn, or otherwise dispose of the body; it is right here to state, what may be believed to be the truth on the subject, that the body was no further disturbed than was necessary for the Coroner to see it. This view* of the body was taken by the Coroner after the inquest had sat eight days, and after the body had been interred twenty-eight days.†

The above note sent to Mr. HARMER by the Coroner, as it will be seen, contains no intimation whatever of an intention to alter the place at which the proceedings of the inquest were to be resumed: but by rumours in the town of Manchester, Mr. HARMER and Mr. DENISON learned, that the Coroner had ordered the Jurors to assemble on the 8th of October at the Star inn, Manchester,‡ whither, and on which day Mr. HARMER and Mr. DENISON proceeded with their witnesses. The motives of that change in the place at which the proceedings of the Inquest were to be resumed, were disclosed in the Court of King's Bench, in Michaelmas term, 60th Geo. III. by the affidavits of Mr. FERRAND, the Coroner, and Mr. MELLOR the constable of Oldham, on a motion made by Mr. SCARLETT for a rule to shew cause, why a criminal information should not be filed against two persons, named JOSEPH TAYLOR and ——— EARNSHAW, for some supposed tampering with the Jury; and these affidavits stated, that the adjournment to the Star Inn at Manchester took place, with a view to the safety of some persons attending the Inquest, and for the preservation of the public peace.

* “And the Inquest must be *super visum Corporis*; for if the body be not found the Coroner cannot sit.” *Black. Com. of Subordinate Magistrates, Tit. Coroner.*

+ “For the Coroner can take inquisition of death only upon view of the body, and not otherwise; and therefore if the body be interred *before he come*, he must dig it up, and this he may do within any convenient time, as within fourteen days.” *Hales Pl. 170. 2 Haw. 48. 1st. vol. Burn's Just. 563.*

‡ “But it is not necessary that the inquisition be taken in the very same place where the body was viewed, but they may adjourn to a place more convenient.” *2 Haw. 48.*

Fifth Day.

AT THE STAR INN, MANCHESTER.

FRIDAY, OCTOBER 8, 1819.

It appears, from the commencement of this day's proceedings, that Mr. Ross, the Reporter for the *Times*, had, since the last adjournment, put into the hands of Mr. ASHWORTH, the *Times*, of October the 2nd, for the purpose of having that gentleman's opinion as to the correctness or incorrectness of the report therein contained of that gentleman's argument on the 29th of September.

At ten o'clock, Mr. ASHWORTH, Mr. RADLEY, Mr. BARROW, Mr. COOKE, and the other gentlemen usually sitting at the Coroner's table, having entered the room, Mr. ASHWORTH, with the paper alluded to in his hand, addressed Mr. Ross, who was standing opposite to him, in the manner following :—

Mr. ASHWORTH—You have put this paper, Sir, into my hands, to know my opinion as to the correctness of the report it contains. I tell you that report is false and incorrect; and how you durst put such statements into the paper, relative to my name, I know not. I must say they are false.

Mr. Ross—I put the paper into your hands, Sir, for your opinion as to the correctness of the report of your speech.

Mr. ASHWORTH—And as the paper has been put into my hands for that purpose, I shall give my opinion.

[*The Coroner and his son here entered the room, and took their seats at the table.—The Coroner was proceeding to commence the business of the day.*]

Mr. ASHWORTH—Stop a moment, Sir; and give me leave just to advert for a few moments to this subject.

The CORONER—Is this to be anterior to the proceedings of the day?

Mr. ASHWORTH—If you please, Sir, I must for a few moments advert to this subject; because it is most important, as I conceive. This paper, Sir, was put into my hand, by Mr. Ross, desiring, as I understood, to know, if the report in that paper, respecting me on the first day that I was connected with these proceedings, was correct. And now I will certainly, in the face of this company, say, what I think upon the subject. First, Sir, my name is introduced in this way, “while the Coroner was re-examining this witness, Mr. Ashworth, a barrister, entered the room, followed by the learned note-taker whom Mr. Harmer, with impunity, charged on the preceding day, with taking notes for the Magistrates.”

With impunity charged Mr. Cooke with taking notes for the Magistrates! Why, Sir, as I understand, Mr. Cooke never heard it.

Mr. COOKE—I never heard it.

Mr. ASHWORTH—No, Sir ; and yet you were charged with it, with impunity, forsooth !

Mr. COOKE—I never was aware that I was alluded to, or I certainly should have rebutted the charge.

Mr. ASHWORTH—Certainly ; for it is untrue. Nobody here takes notes for the Magistrates. The Magistrates are not represented here at all. They have no counsel here ; they have no attorney here ; they have no note-taker here. I have never seen the Magistrates either since this enquiry has commenced, or before it. So much, therefore, for the authority of this reporter, who presumes to state as a fact, that which is only mere guess. It is not even a report, and even if it came in the shape of a report to him, he has no right to state it as a fact. I say it is wilfully misleading the public mind, and it is exactly doing what you, Mr. Coroner, have deprecated all along ; and it is pursuing that system of misrepresentation which has been pursued by some of the papers. But I will go further ; and I very much wonder that this gentleman should have dared to put this newspaper into my hand : “ Both “ took their seats at the Coroner’s table. It was now one “ o’clock : the court had met at nine : ” and now, Sir, comes a most infamous falsehood, “ and at a full meeting of the Magistrates “ yesterday at the Star Inn, Mr. Ashworth had been instructed to “ appear at the Coroner’s court.” Good God ! Sir, what sort of a statement is this ? How dare this gentleman put this paper into my hand ? This is an infamous falsehood, I say. The Magistrates never instructed me. I have no connexion with the Magistrates, on this occasion ; and if I have occasion to complain at all, it is that the Magistrates have not instructed me. How dare this gentleman make false assertions in this way ? How dare he take his own imaginations, or his own guesses, for facts ? How dare he take reports from quarters connected with him and his party ? And how is it, that he has dared to assert all these as facts ? What must the public think of this ? It is a system that must be put a stop to. I was very glad to observe, Sir, that you prohibited this gentleman from taking any more notes ; but another thing I must observe is, that the other day all the other gentlemen who were still permitted to take notes, did not take a single note of what had been said by Mr. Entwisle.*

[Several gentlemen who appeared to be reporters here rose, and each of them asked the learned Counsel “ do you allude to me ? ”]

Mr. ASHWORTH—No, not to you. (*To Mr. Cooke and Mr. Barrow, and other gentlemen round the table.*) But was it so or not ?

* The Editor of this work, felt it his duty to write to Mr. Ashworth, after the proceedings of this day, to know whether his allusion applied at all to him. Mr. Ashworth wrote back in answer, “ that in any thing he said this day, he did not at all allude to Mr. Dowling.”

Mr. COOKE—I thought it was so.

Mr. BARROW—Many of them appeared not to take notes.

Mr. ASHWORTH—So far, then, I am justified in the remarks I have made in this court, as to the intention and object of parties, in taking or not taking notes, and as to the vile and garbled misrepresentations which have appeared in the papers. But I will further read the statement contained in this paper. How that gentleman came to put it into my hand, I cannot tell; but certainly, it is a disgrace to the person who wrote it. It is not a statement of facts, Sir; and nothing but facts ought to have been stated. “It was now one o’clock: the Court had met at nine; and at a full meeting of the Magistrates yesterday at the Star Inn, Mr. Ashworth had been instructed to appear this morning at the Coroner’s court.” Can any body believe the man, who, with unblushing confidence could have had the effrontery to state this falsehood; for a most abominable falsehood it is. Yes, Sir, it is more than a falsehood, because it is malicious; and it is written, in fact, only for the purpose of identifying the Magistrates in the public mind, with the enquiry that is now going on; and it is making it out, that it ought to be supposed, that the Magistrates are so much afraid of this enquiry, and are so much alive to what passes here, that they have meetings in private upon the subject, and depute me to attend here, for the purpose of protecting their interests. It is a most infamous misrepresentation. It is only calculated to do harm, and it is only made with that view; and how the gentleman durst or dare put such a statement into the paper, as connected with my name, I cannot conceive. “We believe that the Coroner.”—Good God, Sir, what a shameful and infamous assertion is this. “We believe that the Coroner, if charged with having been at that meeting, would find it difficult to prove an *alibi*.” Good God! is this to be endured? Is the judge of this court, thus, by a reporter, to be slandered? Is he to have his character defamed? Is he to be charged with confederating and consulting with the Magistrates? Is he to be made a party with them? Is he to be mixed with them in this business? And are statements of this abominable and scandalous nature to be foisted on the public mind with impunity? I say, Sir, that reporters who will assert as facts, what are merely their own conjectures, or at most only come from their own party, ought not to be suffered to stay in a Court of Justice; and no paper ought to be permitted to have reports at all, whose reporters thus deal in misrepresentation by wholesale. I see the gentleman there. I dare him to prove any one of the assertions he has made. I dare him to prove that I was authorized to appear here by the Magistrates. I dare him to prove that I had any communication with the Magistrates, or that I am connected with the Magistrates; and therefore how dare he to insert such a statement? The Coroner, too, calls upon him to prove that he was in consultation with the Magistrates, which is insinuated in a way, from which every one must believe it was so; for it is stated, that if he were charged with being there, he would find a difficulty in proving an *alibi*. Sir, I say this is mere guess;

and it is a most infamous falsehood. I say again and again, that this statement is a tissue of misrepresentation and falsehood from beginning to end. "From the rash and unsuspecting spirit of "charity." Charity! Good God, Sir! is not that word prostituted, by coming from the mouth of such a person as this? What charity, Sir, or candour, can there be in a person who makes such a false representation as this? Charity! how dare he use that word with respect to himself? But I will go on, Sir: "We detached "what we conceived to be extraneous to the business of the day. "We were wrong: for almost all that followed was, if not extraneous, strangely incongruous. We are fully convinced, and "perhaps others, when they read the sequel, will be of the same "opinion, that the order of the proceedings was not entirely "fortuitous. Mr. Coroner gets into awkward arguments respecting the publication of evidence, and the publicity and "openness of this Court. Mr. Ashworth makes himself acquainted with the arguments used before he came into Court, and "replies to them, while he seems to make a maiden harangue." Good God! is this stated with respect to me? Can any thing be more false? And is it a statement of any thing, but what could merely exist in the imagination of this reporter? "Mr. Ashworth "makes himself acquainted with the arguments used, before he "came into court, and replies to them whilst he seems to make a "maiden harangue." "Mr. Ashworth makes himself acquainted "with the arguments that had been used before he came into "court." What charity, or what candour are there in this? So far from being acquainted with the arguments that had been used before, did I not mistake the whole thing? Did not my speech assume, that the Coroner had decided this to be an open Court? Was I not set right by the Coroner afterwards, upon that subject.

Was not that proof enough, that I did not know what arguments had been urged? Did it not shew, that I was totally uninformed as to what had passed here? I was not ambitious of publicity, Sir: on the contrary, I was engaged with my own family, and did not wish to court being present at an inquiry of this kind. So busy was I, Sir, that, in the first instance, I was not desirous to come here at all; but wished, if possible, not to come; and indeed I was so busy, that until the moment of coming off, I knew nothing of the subject, and I knew nothing afterwards, except from the communication of this gentleman (Mr. Cooke), who informed me what evidence had been given; and my ignorance upon that subject might be easily perceived, because I mis-stated it altogether. I never had heard or seen any of the arguments that had been used here. But still this person presumes to state, that it was all a contrivance before we came into Court; and that I had made myself master of the arguments before hand; and then came here, for the purpose of making a maiden speech. Does he think I care any thing about the reputation of making a speech in a business of this kind? Does he think, I care whether he thinks I made a speech impromptu or not? Or does he think, I attach any importance to his

ideas, of whether my speech arises from the occasion or from previous preparation? I attach no value, Sir, to being dragged into public notoriety, in times like these. But I state this, that this report is a shameful misrepresentation, and his stating that I did know of the arguments that had been used—that I did know of what had passed in Court, is, in fact, imputing to me no less than a coalition with you, Sir, and is insinuating that you communicate with me—that you get into some difficulty, and that then you are to be got out of it, by arguments that are to be used by me. Is it to be borne, Sir, that false statements like those should go forth to the public?—[*Here the learned Counsel paused*]—I hope you will not permit him to take another note, through the whole of these proceedings again; because, if a man will state as facts, such abominable falsehoods, he is not fit to be trusted as a vehicle of communication to the public. If such men are, in fact, to be the medium of information to the public—if we are to have statements made as true, which are founded in falsehood, that disposition to misrepresentation which is now the fashion, will be exerted to a greater extent; and any man who happens to be on a different side in politics, from any newspaper, will be degraded in that newspaper, in order, that, with a particular class of society, he may be held up to detestation; and he may be degraded, and exposed to danger, to risk, and to the risk of his life. He will be exposed to assassination! for it will go to no less a length than that. Such misrepresentations—such falsehoods, are only intended to degrade a man from his rank in society, which is respectable—(And I defy that man to say I am not respectable). Such misrepresentations have the effect of poisoning the minds of society—of destroying that moral principle which ought to bind us together—of breaking those links by which we are conjoined—of disseminating those principles, that make man conspire against man—and they establish that irregularity of proceeding, which disorganizes the social bonds of society. Sir, that gentleman put this paper into my hands himself. How he dare put it into my hands, I don't know; but he did put it into my hands, and I must confess I am surprised at such conduct. But, next comes as entence, which, whether it proceeded from his vanity, or from his impudence, which seems to be the leading feature of his character, I cannot tell. I say impudence is the leading feature of his character. I say, it is gross impudence for him to put this paper into my hands, to desire I would read the report it contains, which applies to myself; when every thing that is contained in it, that applies to myself, is grossly mis-stated. He put it into my hands for this purpose, with a smile on his face, but with rancour in his heart; with an intent to wound my feelings, and to hurt my mind. He put it into my hands, I say, with an insidious smile on his face, with that view, and I say, he had rancour in his heart. How could he put into my hands a paper, in which I was to read my own degradation before the public, without feelings of the most rancorous animosity against me? It must be so. It was for this purpose, and for no other, that he put the paper into my hands.

I am very glad he has put it into my hands, and I will take care, in the sequel of this business, that a proper termination shall await this conduct. The public shall see what vile misrepresentations are here put forth to their view ; and they shall see, that such misrepresentations are not to be made with impunity. When he put this paper into my hand, he knew what it contained ; and I will keep it, and carefully read all these calumnies over, and I will not go abroad to the world, in the shape that this man has represented me. I attend here, Sir, as a barrister, and I trust I do not disgrace the name. I did not attend here gladly, Sir ; nor did I embark in this business with a view to consult and to contrive, and to conspire with other persons, to do injustice in this case ; but I attend here, faithfully to do my duty towards the party whom I represent, and by whom I am employed ; and I attend here for his interest, and, as far as I can, to do justice. I will keep this paper, and the public shall know that there are such vile misrepresentations as these, sent by the Reporter of the *Times*. Sir, it does not in fact end there. With respect to my speech, he put this paper into my hands, for the purpose of seeing whether it was correctly reported or not. Why it is much abridged ; it is inaccurate in many parts, but it is more correct than one of the accounts that I have seen. I did not see more accounts than the one in the *Courier*, and the *Courier* did not profess to take its report from any account of its own, but it was copied from another. As far as the speech goes, I don't care whether it is published or not. I don't want it to be published ; and God forbid that a man should want in these times to be brought forward to public notice ; when some newspapers are the vehicles of such vile calumny and falsehood, and misrepresentation, dangerous to the peace of a man's mind, and dangerous to himself, on account of his own personal safety. Because, Sir, it is the plan now with these gentlemen, to degrade every man, who does not appear in some capacity, on the same side of the question which they choose to adopt.

Then, Sir, there is something or other about the conduct of Mr. Battye towards Mr. Harmer. It seems that Mr. Battye turned his back upon Mr. Harmer. He did not conduct himself with the respect towards Mr. Harmer that he ought to do. Why, Good God ! Sir, am I here to fight the battles of Mr. Battye and Mr. Harmer ? If Mr. Battye chuses to do an ungracious thing, is it my duty to be making reflections upon his conduct ? Is it because Mr. Battye turns his back upon Mr. Harmer, that I am to get into hot water ? But Mr. Battye turns his back, and "this" passed without remark from the Coroner or the learned "Counsel." We remained silent, indeed, when Mr. Battye turned his back on Mr. Harmer. Do you think I feel such deference, and respect, and veneration for Mr. Harmer, that if a man turns his back on him, my blood is to boil, and I am to get into hot water with another individual for his sake ? But it is insinuated that because I did not chastise Mr. Battye for this—what is insinuated ?

Why, that it was a dereliction from my duty. What stuff! What nonsense! What have I to do with the battles between Mr. Harmer and Mr. Battye? I have enough to do to fight my own battles; and if any two gentlemen get to loggerheads round this table, let them settle their own disputes. I shall be content to do my own duty if I can, in a way beneficial to those for whom I come here. What have I to do with these disputes—with these quarrels? Surely I have enough business of my own, to mind. But this is a part of that system of abuse which is to be pursued even against men who are only employed here in a professional capacity. My politics have nothing to do with the question here; at a proper time I shall declare what my politics are; but it is not now necessary. I come here not for the purpose of discussing politics, I come here to act as a professional man; but even as a professional man, because I come on another side of the question from that which this gentleman espouses, I am to be degraded by such false and malicious publications as have appeared from the pen of this man.—(*Mr. Ross bowed*)—You may bow, Sir, but is it not false?

Mr. Ross—I mean to state that I have not asserted one falsehood.

Mr. ASHWORTH—How! will you state, Sir, that I was instructed by the Magistrates?

Mr. Ross—I mean to state I was told so, and I can prove I was told so, and my authority, I believe, was good.

The CORONER—State your authority.

Mr. Ross—Certainly I shall not, Sir.

Mr. ASHWORTH—Have you not stated it here, Sir, as a fact?

Mr. Ross—I have stated it there, Sir, as I heard it; and part of it I have stated only as my belief. If I had stated it as a fact, I should have stated it as having been seen by me.

Mr. ASHWORTH—“At a full meeting of the Magistrates yesterday at the Star Inn, Mr. Ashworth had been instructed to appear this morning at the Coroner’s court.” Is that stated as a report?

Mr. Ross—Be good enough to read on, Sir.

Mr. ASHWORTH—I will, Sir, I will; but don’t be in a hurry: here you have stated it as a positive fact that Mr. Ashworth had been instructed by the Magistrates. Now I will go on. “We believe the Coroner, if charged with having been at that meeting, would find it difficult to prove an *alibi*. From the rash and unsuspecting spirit of charity, we detached what we conceived extraneous to the business of the day. We were wrong; for almost all that followed was, if not extraneous, strangely incongruous. We are fully convinced”—It states it positively as a fact.

Mr. Ross—I stated it as my belief, and that belief I must still entertain.

The CORONER—Silence, silence, Sir. If you have any thing to say, we will hear you by and by; but I forbid you appearing in this Court now, in consequence of your infamous conduct.

Mr. ASHWORTH—That is quite right, Sir. I don’t care what feelings may be entertained elsewhere, or what may be said with

respect to me in other places ; but when people act so vitely, I trust you will not have your Court made the medium of such falsehood and deception. I ask any man here who ever instructed a barrister to say what he means by the word "instructed." This gentleman states it as a fact that I was instructed by the Magistrates. He does not state it as a report, but all these things he states as facts.

Mr. ROSS.—I state, I believe them.

The CORONER.—Silence, Sir.

Mr. ASHWORTH—I say he states them as facts, Mr. Coroner.

"At a full meeting of the Magistrates yesterday, at the Star Inn,

"Mr. Ashworth had been instructed to appear this morning, at

"the Coroner's court."

Mr. ROSS.—Read on.

Mr. ASHWORTH—"We believe" —

Mr. ROSS.—Is that stated as a fact, Sir?

The CORONER—Hold your tongue, Sir, or I shall turn you out of the room.

Mr. ASHWORTH—"We believe, the Coroner, if charged with
"having been at that meeting, would find it difficult to prove an
"alibi. From the rash and unsuspecting spirit of charity, we detached what we conceived extraneous to the business of the day.
"We were wrong, for almost all that followed was, if not extraneous, strangely incongruous."

Mr. ROSS—Now in the very next sentence, it is, "We are convinced."

The CORONER—I tell you to hold your tongue, Sir. That is information, and you ought to state your authority.

Mr. ROSS—I certainly shall not, Sir.

Mr. ASHWORTH—"We were wrong ; for almost all that followed
"was, if not extraneous, strangely incongruous. We are fully
"convinced, and perhaps others, when they read the sequel, will
"be of the same opinion, that the order of proceeding was not entirely fortuitous." Now, Gentlemen, I say, it was entirely fortuitous. I came to this Court straight from my family. I came to this Court as soon as I could get away from my family. I was with my family until the Monday evening. I had business to do until I actually came away, and I had no communication with any man living on the subject, before I entered this Court ; nor with any professional man respecting any body, except this gentleman, and he represents none of the Magistrates, but he is a professional man for whom I appear as a barrister on this occasion ; and therefore it was entirely fortuitous, for I had heard nothing of what had been done. I was desired to come, and I came as soon as I could, not having known what passed, and in fact, not having had time to read the depositions of the former days. All I said was the result of a conversation which passed between Mr. Cooke and me just before we came to Oldham together. It was no result of contrivance or collusion, by which I had had communication with the Coroner, and had made myself acquainted with the arguments that had been used before I came, and then came to answer them. I say it is

false, and it is part of the system now pursued to degrade and debase me in the eyes of society. These are the observations of this gentleman who has so much fairness, and so much candour, and so much liberality ; this is the gentleman who stands so high in society on account of his regard to truth, and as the accurate reporter of the *Times*. Behold what vanity and conceit, when this gentleman must compare himself to an illustrious individual who existed a long time ago.

Mr. ROSS—I did not, Sir. I made no such comparison.

The CORONER—Silence, silence, Sir, or I will turn you out of Court.

Mr. ASHWORTH—“ From this time I sat an inactive hearer, and “ excited among the crowded audience a feeling respecting the “ *Times*, similar to that which the Romans of old entertained on “ missing the image of Cassius in a funeral procession, from which “ it was proscribed by a foolish and lawless tyrant.”

[*Mr. Finnerty here laughed at this passage, as did many other persons.*]

Mr. ROSS—I am glad to see, Mr. Ashworth, that you correspond with Mr. Finnerty in feeling for once.

The CORONER—I tell you again, Sir, to be silent.

Mr. ASHWORTH—Like the statue of Cassius. Is this, Sir, the statue of Cassius? I have always formed a very different opinion respecting that great patriot than to recognize his identity with Mr. Ross. Was there ever such intolerable vanity? And this is the man who before had said in one of his publications, that he had so dreadfully terrified us all by stating that he belonged to the *Times*. “ I did not,” he said, “ voluntarily alarm, by pronouncing the terrible and dreadful monosyllable *Times*.”

Mr. ROSS—That is not the truth, Mr. Ashworth ; I said no such thing.

The CORONER—If you interrupt the Court, you will walk out of it.

Mr. ASHWORTH—This is the gentleman who talked of the foolish interruption that was given to the proceedings on a former day, and who said, when he had pronounced the dreadful monosyllable *Times*, the Coroner was terrified, and the business assumed its regular course. *Times!* Vastly dreadful. It is dreadful, but dreadful in no other way than as being the medium of misrepresentation. It is dreadful, if it employs men, who care nothing about what they do or say, so long as they serve the cause for which they are employed. In the report of this day’s proceedings to which I have referred, there are a great many falsehoods asserted to be truths, and that I shall expose whatever may be the consequences at all times, and under all circumstances : and now is it not a shuffling prevarication to state, after he had asserted as a fact, that I had been instructed by the Magistrates at a full meeting at the Star Inn, to appear here, that he only states it as a report. What are his words? “ At a full meeting of the Magistrates yesterday, at the Star Inn, Mr. Ashworth had been instructed to appear this morning at the Coroner’s court.”

Is that a report? Would any man of common sense suppose that that was any thing which this gentleman had only heard. No; it was stated here as if it were what he had ascertained to be true, and that is the way it is stated, as if he knew it of his own knowledge. Then God bless me, Sir, what does Mr. Harmer do? I give Mr. Harmer a great deal of credit; he manages his business very well, and when he talks about my having been on the field on the 16th of August, he asked, "Did my blood curdle then?" and this he uttered with tremendous emphasis.

Mr. Ross—Tremendous! Is it tremendous, Sir?

Mr. ASHWORTH—It is—it is.

The CORONER—Mr. Ross, I must really order you out of the Court, if you won't hold you tongue.

Mr. ASHWORTH—It is tremendous. "This was said with tremendous emphasis." "This was said with *tremendous* emphasis, and produced, it seems, a strong sensation of feeling." Good God, Mr. Coroner, I must have been cut down in a moment. I must have been struck with astonishment. My blood must have curdled indeed. I must have become a mummy from that time.—
[*Here some persons at the lower end of the room laughed.*]

The CORONER—If there is that disturbance again, I will order that part of the room to be cleared.

Mr. ASHWORTH—(*in continuance*)—Then, Sir, there is a great deal said about you, to which, perhaps, I ought not to advert.—This paper, with all these passages, he has ventured to put into my hands. At all events, it wants discretion, I must say, to put such a paper as this into my hands. He accuses you, Mr. Coroner, of asking impertinent questions.

Mr. Ross—Have I used the word "impertinent" respecting the Coroner?

Mr. ASHWORTH—Yes.

Mr. Ross—I doubt that, much.

Mr. ASHWORTH—I will shew it to you—[*Here the learned Counsel looked over the newspaper in his hand*]—but I shall certainly keep this paper.

The CORONER—I wish you to keep it.

Mr. ASHWORTH—Certainly I shall, Sir.

Mr. Ross—Am I allowed to say any thing?

The CORONER—What would you wish to say?

Mr. Ross—Why, Sir, I have a very satisfactory explanation to give.

The CORONER—Have you any contradiction to give to this?

Mr. Ross—I can give the whole a satisfactory answer.

The CORONER—He refuses to give an answer to a question with respect to his criminal conduct. I ask him if he has any contradiction to give to this; and he will not answer.

Mr. Ross—If I am allowed to speak, I will speak.

The CORONER—Will you give up your authority for making these assertions?

Mr. Ross—I did not say I would submit to an examination.

The CORONER—Will you give up your authority for making these assertions?

Mr. ROSS—I answer no questions. If I am allowed, I will reply to Mr. Ashworth.

The CORONER—I think you are a dangerous man to be in this room. You have misled the public, and you have contravened my directions, with respect to publishing the proceedings of the Inquest, and I have desired you to walk out of the room. I know you have been doing this mischief—this extensive mischief, and therefore I do forbid your being in the room at all. That is the reason of my ordering you out of the room.

Mr. ROSS—Then, I am not to be allowed to reply to Mr. Ashworth?

The CORONER—I have told you not; and I desire you will walk out of the room.

Mr. ASHWORTH—I should wish to hear him reply, Sir.

The CORONER—Have you any contradiction to offer?

Mr. ROSS—What I have to say, Sir, amounts to an ample and a complete contradiction of what the learned Gentleman had stated.

Mr. ASHWORTH—Let us hear it.

Mr. ROSS—Then I am allowed to explain, Sir?

The CORONER—I shall listen.

Mr. ROSS—I don't wish to make a formal speech, but—

The CORONER—Speak publicly a contradiction, if you can.

Mr. ROSS—If I am to be allowed to speak, I will speak.

The CORONER—Then speak a contradiction, and nothing else.

Mr. ROSS—If I am to be interrupted so, I will not speak at all.

The CORONER—Put him out of the room. He is a dangerous man. Constables, take him out of the room.

Mr. ROSS—I will not go unless by force.

Mr. MURRAY—(*who was standing at the foot of the table*)—I will take him out if you will allow me. I belong to the Police.

The CORONER—Let some of the three constables from Oldham assist.

Mr. ROSS—I shall not walk out.

[*The constables now conveyed Mr. Ross from the room.*]

The CORONER—Those slanderous observations in that paper, with respect to me, I never heard of before; and, unless for the purpose of instituting proceedings on the subject, I should consider it as no slander. Nothing that is contained in these papers, I say, can be slander. Evil speaking, lying and slandering, are the order of the day, and I think that the parties who have obtruded themselves on this Inquiry, act with these persons connected with the newspapers. They are colleagues, and they act as colleagues together. I know nothing of any party in this investigation; neither shall I go out of my way, either to the right or to the left—I have had no communications with the Magistrates, either directly or indirectly; and those who know me will not say so, nor believe so. I shield myself under my character and conduct for

twenty-one years and upwards, and I defy either them or any other slanderers to bring home to me, any corrupt act. I will give them the whole circuit in which I have practised for upwards of twenty-one years, and I defy them to prove that I ever acted corruptly in executing the duties of my office. Therefore, as to myself, personally, I am shielded from the offence of their slander, by the character which I bear; but to my office, there is a respect due; and I will take care it shall not be violated with impunity.

Mr. ASHWORTH—And, Sir, it shall be my duty to detect those falsehoods, as far as in me lies; and I request the gentlemen round this table, who are concerned in this Inquiry, will hand the papers to me in which they find misrepresentations, and I am determined I will always expose them before the public; because, Sir, the public mind is put into a ferment by such falsehoods. I find in the *York Herald*, a misrepresentation which ought to be set right. I find it stated, that Mr. Cox confirmed the evidence of Mr. Bassnett. Sir, it was directly the reverse.

Mr. HARMER—That is a matter of evidence upon which the Jury are alone to determine.

Mr. ASHWORTH—It is not, Sir.

Mr. HARMER—I submit to the Coroner that it is; and I submit that the proceedings ought not to be interrupted in this way.

Mr. ASHWORTH—I say, it is not a matter of evidence; and I say, that such a misrepresentation is the matter of a plan which is pursued by some of the public prints, on this occasion.

The CORONER—I am of opinion that I ought to forbid the taking of notes altogether. Notes have got into almost all the papers, which contain a great deal of slander; and, from the London papers it gets into the country papers.

Mr. ASHWORTH—You have the entire controul of this Court, Sir; and of course, no man has a right to promulgate its proceedings to the world in contravention of any order you may have made. Some persons, certainly, have violated your orders and your injunctions; but I am not for visiting the sins of those culprits upon the heads of those who have complied with your orders.

The CORONER—The public is misled most egregiously and intentionally in many instances, and great harm arises from these publications. If no notes were taken, none could be published.

Mr. ASHWORTH (*after a pause*)—Now, gentlemen, there is another thing to which I must call your attention. It appears in the *Courier*, and that is another paper, though it makes no difference in fact with respect to the paper. It appears in the *Courier*, Sir, I am quite shocked to say, and I hope it is not true, that the Gentlemen of the Jury have received a written paper from a man who declined to give his evidence; and if the Jury have received such a written paper, it was their bounden duty to deliver it up to you, as the Judge of this Court; and they, standing in the situation in which they now do, have individually incurred a great responsibility by receiving such a paper. They ought immediately to have

delivered it up to you. Good God, Sir, is it to be borne, that a man shall refuse to tender himself to give his evidence under the sanction of an oath, and subject himself to a cross-examination, and then behind the backs of the Court (if it is so) deliver to the Jury in writing the opinion of the medical man who attended the deceased during his life? I now call upon the Gentlemen of the Jury to say, whether they have received any such written paper.

The CORONER—Stop, though; I have never called over the names of the Jury yet, we have been so long occupied by this previous matter.

[The Coroner now called over the names of the Jury, who severally appeared.]

Mr. ASHWORTH—Then I now call upon the Jury to say, if they have received any written communications from any body?

The FOREMAN OF THE JURY—I do not think, Mr. Ashworth, it is becoming you to ask such a question. If the Coroner asks me, I will answer.

The CORONER—Then I do ask you, and each of you, whether you have received any written paper whatever, from any one, tending to influence you in your judgment?

The FOREMAN—I have received a paper, but I never read it.

[The Coroner here asked each of the Jury as they sat round him, without mentioning their names, whether they had received such a paper as the one alluded to. The Short-hand Writer, consequently, cannot ascribe to each Juror, by name, the answer which he gave, except in two instances, in which he knew the names of the Jurors. They are as follow:—]

Mr. COATES—I have not received it.

Mr. KAYE—I received a paper by the post, I think, last Saturday morning, and between my house and the Angel Inn, Oldham, I threw it over a wall, when I was told that it came from Mr. Earnshaw.

[The other Jurors had received the paper in question. Some had read it, and some had not.]

The CORONER—I think it highly proper that these papers ought to have been given up to me.

Mr. ASHWORTH—They must be given up to you, Sir, such as are forthcoming. As this had appeared in a public paper, I thought it quite necessary, Sir, for the purpose of vindicating the Jury, that this inquiry should have been made. I am very glad it has been made, because the Gentlemen of the Jury, filling the most important situation which they do before the public, ought to have an opportunity of vindicating themselves, and ought not to be traduced. They must thank me for giving them this opportunity of declaring what they really have done. As we have proof that Mr. Earnshaw refused to be sworn, pretending he had scruples of conscience upon the subject, when he afterwards conveys his evidence to the Jury in another shape, he must be proceeded against. If a man, from scruples of conscience, wont be sworn to tell the truth, but insinuates into the minds of the Jury a number of things

which, I have no doubt, are untrue (because he would state them in an open Court upon the grave and serious charge of murder), such a man deserves punishment, and punishment, if the laws of the land can inflict it, he certainly shall have. He has been guilty of a high misdemeanor, and he shall be indicted for it; and I tell the Gentlemen of the Jury, and I am sure those who have received it received it from ignorance, that when they fill the high situation which they now hold, they are upon their oaths sworn to receive nothing but upon oath from any party, and in a public Court before them. Therefore, those who have read this paper, are, no doubt, in the eye of the law, guilty of a high misdemeanor; and I am sure, with respect to those who read it, that they read it from listlessness, and that they did not intend to deviate from the duty of the high situation which they hold. The Juries of this country, Sir, are the bulwark of our liberty, and it will be impossible to preserve that liberty, unless the sources from which it springs are pure. Upon their verdicts, justice has ever been administered in courts of criminal judicature; and unless they alone attend to evidence which they receive openly in Court, that justice is at an end. They ought to know, that they must not be prejudiced by any thing that they hear out of Court; and they ought to shut their ears against every thing which is not sworn before them upon oath. It is a high misdemeanor for them to receive and read any paper relative to the matter under inquiry before them, or to receive any thing that is not brought before them upon the oath of the party; and conduct of this kind in future I hope will be avoided.

With respect to the individual who was the means of this paper being delivered to the Jury, I pledge myself he shall be brought to justice, and it is necessary it should be the case.

I have now exposed, Sir, such misrepresentations in the public papers as have come to my notice; and, in future, as far as it depends upon my endeavours, I pledge myself that the public mind shall not be misled; and whether falsehood is promulgated through the medium of the papers, or from any other source, I pledge myself, whenever I detect it, immediately to expose it.

Mr. HARMER—I trust, Mr. Coroner, you will allow me to say one or two words upon this occasion. An insinuation was made the other day against me personally, which I must now be permitted to refute. An assertion was made, that I had made too free with the Jury.

Mr. ASHWORTH—I never mentioned your name.

Mr. HARMER—No, but the Coroner and Mr. Barrow both stated that I had made too free with the Jury; and the Coroner said he should produce evidence to prove it. I now challenge him to do so. I don't know whether that accusation was intended to allude to this circumstance, but I take some credit to myself on the occasion. I was told that Mr. Earnshaw was most anxious to justify his character from the aspersions that had been put upon it by Mr. Cox, and to explain all the symptoms of the deceased in

the course of his illness, and the treatment he had adopted towards his patient. I stated as my opinion, that he ought not to do any such thing while the Jury were sitting; as it would have the effect perhaps of giving them an improper bias.

Now, Sir, I am told that the *Courier* contains two or three columns of comments upon the testimony which has been given, and I hope you will feel it your duty, Sir, to take notice of that, as the Reporter for the *Times* has been expelled from the room on a similar charge.

The CORONER—I have something else to do.

Mr. ASHWORTH—The *Courier* has no representative here.

Mr. HARMER—But I should hope Mr. Ashworth would feel it his duty, in pursuance of the pledge he has given, to expose this conduct of the *Courier*, in order that the public mind may not be misled by any such proceeding on its part.

Mr. ASHWORTH—I have not read it, and therefore I know nothing about it.

Mr. HARMER—There is another circumstance I will mention. Mr. Denison generally attends to the letters that may be directed to us during our professional employment here; and he received one letter which he told me I ought not to read. What the contents of that letter were I do not know; but I presume it alluded to the circumstances with respect to the Jury now before the Court.

The CORONER—We will now proceed to business.

Mr. HARMER (to Mr. Ashworth)—You expressed a wish, Sir, to have Davenport back, to cross-examine him. I sent an express, and he is now arrived.

Mr. ASHWORTH—Very well. I now state, Mr. Coroner, with respect to my witnesses, that I have never seen them before they came to be examined; nor have I had one word written as to what they come to say.

Mr. HARMER—Of course, Sir, the gentlemen who instruct you have done their duty, and have told you what the witnesses are to prove.

Mr. ASHWORTH—I have from those who instruct me, what the next witness will be called to prove; but I have known from none of the witnesses what they are to prove, except Mr. Entwisle; I knew from him, what he could prove.

Mr. COOKE—I think it right, Mr. Coroner, to state that I am not attending here on behalf of the Magistrates, nor have I ever spoke one word in the world to the Magistrates on the subject; and I do not wish it to go out to the world, that I appear here for them. If I had been aware that Mr. HARMER taxed me with being here for the Magistrates, I should have contradicted it.

Mr. HARMER—What I said was loudly said, and might have been heard by any one. I said, ‘Here is a gentleman here for the Magistrates, and taking notes for them.’

Mr. COOKE—If I had been aware that you said that, referring to me, I should have contradicted it.

Mr. ROBERT MUTRIE called in, sworn, and examined by the CORONER.

Q. Where do you live, Sir?

A. In Union-street, Manchester.

Q. What are you?

A. I am a merchant.

Q. I take it for granted that you did not know John Lees?

A. No.

Mr. ASHWORTH—Now, Sir, here is something in this paper to which I will call your attention. It is stated here, Sir, that I handed a letter to you the first day I appeared here, and that I afterwards admitted that I appeared for the Magistrates. It is stated, “the learned gentlemau afterwards admitted that he appeared for the Magistrates.” This is another falsehood.

The CORONER—You must expect no truth from the *Times*, I am sure I don't.

Mr. ASHWORTH—No, indeed, Sir; from what I see, it is impossible for truth to come from such a polluted source.

The examination of the WITNESS resumed by the CORONER.

Q. Did you know John Lees?

A. No.

Q. Did you attend the meeting at Manchester on the 16th of August?

A. Yes.

Q. What people did you see assembled there?

Mr. ASHWORTH—Where were you first?

A. I was first at St. James's-square, and afterwards at the Albion.

The examination of the WITNESS resumed by the CORONER.

Q. At what time were you at the Albion?

A. Between eleven and twelve.

Q. What did you observe whilst you were there?

A. I observed a great many people come in the road from Stockport,

Q. How many?

A. To the best of my conception, between 4000 and 5000, or from 5000 to 6000, marching like soldiers apparently.

Q. Were they in line?

A. They were in rank and file—in order, just the same as soldiers, and many of them with very large sticks.

Q. Were they walking-sticks?

A. The expression I made use of at the time was, that they were very inconvenient for walking with, for they were more calculated for some offensive purpose.

Q. Did they walk with them, or use them as walking sticks?

A. Some had them over their shoulders, and some were walking with them.

Q. Did you observe any thing else in particular?

A. I saw a coach and some persons on the outside of it.

Q. In what part did you see the coach?

A. It passed the Albion.

Q. Was it with this body?

A. Yes.

Q. Was it in the beginning or the end of the body?

A. Some preceded it, and there were some after it, and some persons outside, one of whom I was told was Moorhouse, and he had a white hat, which he took off and shouted, and then the crowd shouted also.

Q. Frequently, or only once?

A. I only observed once then; but they shouted frequently as they went to the field.

Q. Well, go on?

A. From the appearance of the people that day I felt alarm.

Q. You felt alarm, did you?

A. Yes.

Q. Well, what more?

A. Then I went over to the Infirmary gardens to some gentlemen that I knew.

Q. What further did you see?

A. I then saw a still larger cavalcade of people come.

Q. How long was that after the other body passed?

A. About half an hour after.

Q. From what quarter did they come?

A. They came along Oldham-street.

Q. How did they come?—in what manner did they come?

A. Much in the same manner as the others, with flags and Caps of Liberty. I saw some white marks in their hats, and I went out of the gardens and went near them, and walked with them to see what it was, and it appeared to be a paper denoting the different persons commanding a party, as I thought.

Q. Were these papers the same colour?

A. No; they were not all the same colour; some were white and some were not.

Q. Was there any thing else that you observed?

A. Then I went down as far as York-street. I wanted to see one of the officers of the Yeomanry.

Q. What! did you not go to the ground with them?

A. No.

Q. What next did you do?

A. I then went down York-street and King-street to St. James's square, and I found all the constables had left, and from that I went to the ground.

Q. What time did you get to the ground?

A. Between twelve and one o'clock, I suppose.

Q. What part of the ground did you take your station on ?

A. I went to Mount-street.

Q. What part did you take your station on ?

A. I walked about, and was in several parts of the field, from the hustings to the houses in Mount-street.

Q. What did you observe ?

A. I observed the people still coming there.

Q. Did you observe any other large bodies come in ?

A. I think it was a continuation of the body I saw coming from Oldham-street. I stopped a little time on the ground, and then I went to a friend's house near the Quakers' Chapel, but I do not know the name of the street, but I saw Mr. Hunt.

Q. You only saw him come on the ground ?

A. I was in a window near the chapel, but I could not see the hustings from that.

Q. Then you saw him come to the ground ?

A. Yes.

Q. What street were you in ?

A. (*Referring to the plan produced by Mr. Harmer*)—It was part of Dickenson-street. He was bowing and waving his hat, and saluting the people, and the people were returning it in shouting.

Q. Were there any people with him ?

A. Yes, there was a great crowd of people with him.

Q. Well, after that, what took place ?

A. After that I left the house and came on the ground again.

Q. What part of the ground did you come to ?

A. It was by the side of Mount-street, on a little elevated piece of ground, where I thought I should be able to see the hustings better. There was some ground thrown up there, and it was past Mr. Buxton's house.

Q. What distance were you, do you suppose, from Mr. Buxton's house ?

A. Thirty or forty yards, I should suppose.

Q. What did you observe from there ?

A. I saw Mr. Hunt come on the hustings, and then I saw him address the people for a short time; perhaps for a quarter of an hour. I then observed the Yeomanry make their appearance from the other end of Mount-street.

Q. What Yeomanry ?

A. The Manchester Yeomanry.

Q. Coming round by the cottage-wall, do you mean ?

A. Yes.

Q. Well, what more did you see ?

A. They halted upon the ground that I then stood upon, and went afterwards to the hustings.

Q. How near did you go to the hustings ?

A. I suppose the nearest was ten yards that I was from the hustings. I cannot be positive, but I suppose I went to within ten or fifteen yards of the hustings.

Q. Well, what more ?

A. The Yeomanry halted for a few minutes, and then came towards the hustings. The people had previously shouted, waving their hats and sticks in the air when the Yeomanry came on the ground. The Yeomanry, previous to moving towards the hustings, waved their swords and cheered; then they came on towards the hustings. I ran with the crowd for a little way before the horses.

Q. Which way?

A. Towards the hustings. I think the left flank of the Yeomanry then passed me, or I passed them rather. They had not passed me long before I observed either stones or bricks, or brick-bats, I don't know which, thrown.

Q. Thrown where?

A. Thrown among the Yeomanry, and towards the place where I was standing. The confusion immediately became very general; and I can scarcely answer to any particulars that afterwards took place.

Q. On what part of the ground, or at what distance from the hustings, were any of the soldiers when these stones and brick-bats were thrown?

A. Some part of the Yeomanry might have been up to the hustings and close under them; but the whole body was not.

Q. And how far from the hustings was it that the stones were thrown?

A. It might be ten or fifteen yards, I think; that is the distance I was from the hustings, and they fell within three or four yards of me.

Q. How do you mean there was confusion?

A. Why the people began to disperse, and the other soldiers came on the ground.

Q. What other soldiers came on the ground?

A. I understood the Cheshire Yeomanry and the 15th Hussars.

Q. Did you see them?

A. I saw the Cheshire Yeomanry come first.

Q. What did they do?

A. They went past me several of them.

Q. Towards the hustings?

A. Yes; and some of them down towards the chapel.

Q. But what became of you as soon as the stones were thrown?

A. In the midst of the confusion, I saw Mr. Hunt in the possession of Mr. Nadin.

Q. But what became of you?

A. I walked backwards and forwards several times, until I joined the constables that were going to Mr. Buxton's house with Mr. Hunt, and I was there for a few minutes.

Q. Did you see Mr Hunt taken off the stage?

A. Yes. I saw him descend from the stage. At least he disappeared.

Q. In what manner did the Yeomanry proceed from the place where they had first taken their station, to the hustings, as to pace—in form or line—how did they proceed?

A. They came in, in a body.

Q. But after they had taken their station, how did they move from it, and proceed into the crowd?

A. The people were shouting and making a noise, and the constables got upon the stage, I believe.

Q. But were the constables there before?

A. No.

Q. How then did the Yeomanry move?

A. They went in towards the hustings.

Q. But in what manner?

A. At a canter, I conceive.

Q. What happened in their progress up to the hustings?

A. I saw nothing happen, only the confusion they might occasion; and when they got part of them through, there seemed to me to be some opposition between them and the hustings, or some temporary cause to stop them, as it were.

Q. What distance was that from the hustings?

A. It was between me and the hustings, and it might be less than ten yards from the hustings.

Q. What did they do?

A. They waved their swords.

Q. And what caused that opposition or stoppage?

A. I considered it was occasioned by the people opposing their progress.

Q. Did any person precede them?

A. The constables were before them.

Q. All the way from Mr. Buxton's house?

A. I was before them myself, until they got within that distance of the hustings.

Q. And did you run?

A. Yes; and they went at a canter.

Q. Did they go in line, or how?

A. They appeared to be rather confused, and were not formed exactly regular.

Q. Did no one person on horseback precede them—no trumpeter?

A. Mr. Birley, and a trumpeter; I think I saw them—the trumpeter I am not positive to.

Q. Was there any person ten or fifteen yards before them?

A. I should think they were only five or six yards before them.

Q. You are not certain whether you saw the trumpeter before them or not?

A. No.

Q. And did the constables precede him or go before him?

A. Yes; you will understand me, I was before them.

Q. And were the constables with you?

A. There was a great many constables round me.

Q. Did you see any blows struck or damage done to the people?

A. No, I did not.

Q. Not betwixt the Yeomanry's first setting off, and the time they passed you?

A. No, Sir; I did not. I did not see a blow struck at that time.

Q. Was any blow struck with the sword of any Yeomanry, before they arrived at the hustings?

A. I did not see any.

Q. Did you, before the Yeomanry proceeded up to the hustings, hear any Riot Act read, or any admonition, or any warning given to the crowd, by any one?

A. I did not.

Q. Then I think you say you saw them take Mr. Hunt down from the hustings?

A. Yes; to Mr. Buxton's house.

Q. What did you do after that?

A. I followed them to Mr. Buxton's house. A pause was made by Mr. Hunt on the steps of Mr. Buxton's house. As it appeared to me, he wished to address the people coming round him, and there was an attempt to push or drive him into the house, and he made resistance.

Q. What became of you after that?

A. Then he went in, and I stood opposite the door.

Q. What became of you after that?

A. I went in various parts after that, for some time—different parts of the field; I cannot exactly say where I was. I saw Mr. Hunt brought out again, and I went part of the way with him down to the New Bailey.

Q. How soon was that? How long was it first?

A. I can't say; perhaps half an hour. I saw stones thrown in different parts, and sticks flying about, and I heard the report of pistols.

Q. When was that? When they were taking him to the New Bailey?

A. No. When they were bringing him from the hustings was the first time I heard the report of pistols.

Q. Where did you hear any report of a pistol? In what quarter was it?

A. I conceived it came from the quarter of Deansgate.

Q. Was it oftener than once?

A. Yes.

Q. Was it at different times, or many at one time, or did you hear only one?

A. Perhaps there might be half a dozen; my conception was, that the people were firing.

Mr. HARMER—You must not give us that, Sir, as evidence. We are not to have your conceptions.

Mr. ASHWORTH—Was that your idea?

A. Yes, it was.

The examination of the WITNESS resumed by the CORONER.

Q. Were there any soldiers down there at that time ?

A. I should think the soldiers had not got so far as that.

Q. Were the pistols fired on the ground ?

A. They appeared to be fired in the lower end of Peter-street; I should think towards Deansgate.

Q. Where were you at the time ?

A. I was between Mount-street and the hustings.

Q. When they were taking Mr. Hunt off the ground, you followed him ?

A. Only a few yards.

Q. You did not come off the ground into Deansgate ?

A. No.

Q. Beside these pistols firing, did you see or hear any thing else ?

A. Then I saw the military galloping about different parts of the field.

Q. After the reports ?

A. Yes.

Q. What military were they ?

A. The 15th Hussars, a great many of them, and of the Yeomanry.

Q. Do you mean the Manchester Yeomanry ?

A. Both the Manchester Yeomanry and the Cheshire Yeomanry.

Q. What were they doing ?

A. The people were running away.

Q. This was before Mr. Hunt was taken off the ground ?

A. Yes.

Q. Was it before they had taken Mr. Hunt to Mr. Buxton's house ?

A. No. It was before they took him out of the house.

Q. Then it was whilst he was in the house ?

A. Yes.

Q. How long did they continue to do this ? How long was it before the ground was cleared ? Was it before Mr. Hunt was taken away ?

A. It was very few minutes, I think, before the people were gone. I saw some people in the out-skirts.

Q. That was before Mr. Hunt was taken away ?

A. Yes.

Q. Did you observe, Sir, the people passing down from the field in disorder and confusion ?

A. Merely what I said. The people were running, and the soldiers were following them. I can't speak to any particular part after Mr. Hunt was taken from the hustings ; as, after I heard the pistol fired, I felt alarmed for my own personal safety.

Q. Did you see any wound given on the field ?

A. No. I saw none given at all ; but I saw the people wounded afterwards.

Q. Where did you see them wounded afterwards ?

A. I saw one woman lying in Mr. Cooper's yard.

Q. Where is that?

A. At the end of Mount-street. There were several others there. There was a gentleman there that was hurt, but I don't know his name.

Q. Did you see any constables or beadies injure any persons with their truncheons or staves?

A. I saw them striking blows.

Q. Where?

A. In different parts of the field.

Q. What part?

A. I can't speak to any particular part of the field. They kept running about.

Q. For what purpose did they appear to you to be striking them? What was their object in striking them?

A. To disperse the people, I think.

Q. Did you see them beating any persons under the hustings?

A. I saw the constables striking the persons on the hustings, and laying hold of them.

The WITNESS examined by Mr. ASHWORTH.

Q. Then on the morning of the 16th, you first stood at the Albion Hotel?

A. Yes.

Q. That was about eleven o'clock?

A. It was between eleven and twelve.

Q. And you saw a body coming, as if from Stockport?

A. I did.

Q. What was the step in which they came? Will you describe it? Was it the ordinary step of people coming into the town about business?

A. They were not walking rapidly. They were keeping step like soldiers, and marching in file.

Q. Did you ever see such a number of persons coming together to market, or going to church, or going to fairs?

A. No, I don't think I ever did. I have seen a greater crowd collected together in a mass than I did at that time, but I never saw them come in that manner.

Q. Did you hear any word of command given as they passed the Albion Hotel from any quarter?

A. No, only Moorhouse took off his hat and called out "shout," and I believe they all shouted.

Q. Did any body head them?

A. There was a coach, but some preceded the coach. But the coach seemed to be at the head of one division, or one party.

Q. Did they appear to you to be in divisions, or how?

A. Yes, in divisions. A party of women was one.

Q. Did they appear to you to be in divisions, or how?

A. I thought from seeing the flags in different parts of the line

that they must be in divisions. That is all I can judge of their being in divisions.

Q. Could any body of persons, of the number that constituted that body, come with the same regularity of step that they did, without some previous preparation?

A. They could not.

Mr. HARMER—That is a mere matter of opinion.

The CORONER—Certainly it is a mere matter of opinion.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you ever see any body of persons come into Manchester or any where else, with the same regularity that these people came?

A. Never, unless it was soldiers.

Q. Did any body about you at that time say any thing about that body, or make any observations?

Mr. HARMER—I object to that.

Mr. ASHWORTH—It is part of the *res gesta*.

The CORONER—I think it is evidence.

Mr. HARMER—Then it is to be allowed?

The CORONER—I think so.

Mr. HARMER—The learned counsel has objected more than once, successfully, to the observations of witnesses.

Mr. ASHWORTH—I never will object, Sir, to any thing that occurs, accompanying a fact. No naked declaration is evidence, but a declaration accompanying a fact, is surely evidence.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. From the way in which they marched, and their appearances, and their countenances, did you make any remark?

A. I said I was sorry for them, for I was afraid blood would be spilt before night.

Q. Were there any other expressions made use of, as they passed the Albion, by any person or persons indicating alarm?

A. I wished to go and speak to one of the officers, to get a young lad who was among the Yeomanry away, for I thought he would do no good.

[*Here some persons laughed at the lower end of the room.*]

The CORONER—If I have the proceedings disturbed in this way, by any indecent noise, I will certainly order that end of the room to be cleared. There are a great deal too many persons there already.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Well, Sir, what did you do with respect to this young man?

A. I went to try to get him away.

Q. Did any persons round you make use of any expressions that indicated alarm?

A. I heard no expressions in particular, but the gentlemen with me appeared of the same opinion as myself.

Q. Did they express it?

A. Yes, I think they did.

Q. Mr. Entwisle was with you?

A. Yes, and Mr. Pollard and another gentleman, an attorney, whose name I do not immediately recollect.

Q. And you gathered from them, that they were of the same opinion with yourself?

A. Yes; so much so, that this gentleman, the attorney, whose name I cannot remember, stood still in Redcross-street, until the crowd was gone—(*after some consideration*)—Barratt is his name, and he said, "I will go home and protect my own property;" and he wanted me to go with him, as my property lies rather that way.

Q. What number of flags were there with this party that you have described?

A. I can't say the number. Perhaps three or four.

Q. Did you read any inscriptions on them?

A. Yes; I think one had "LIBERTY AND DEATH" on it.

Q. What was the ground or colour of the flag on which there was that inscription?

A. I can't say I know.

Q. Was there any figure upon any of the flags; or representation of any thing?

A. There was one had the figure of Justice on it.

Q. Was there any other inscription, that you recollect, upon any other flag?

A. "NO CORN LAWS," was upon one.

Q. Was there any other inscription?

A. There were others, but I cannot speak to them.

Q. Did you see any thing drawn or delineated on any of the flags?

A. I saw a figure of Justice, and I think she had scales in her hands.

Q. Yes, yes, but did you see any other representation or figure, whatever it might be?

A. I can't charge my memory. There were some others, I believe, but I cannot tell what they were.

Q. You then went to Oldham-street?

A. I went then to the Infirmary-gardens.

Q. That is a vacant space of ground?

A. Yes.

Q. Did you observe any other body, when you were in the Infirmary-gardens?

A. Yes; I observed the people coming from Oldham, or Oldham-road at least.

Q. Had the Stockport people any band of music with them?

A. Yes, I think they had.

Q. Was it playing at the time they passed the Albion Hotel?

A. Yes, it was.

Q. With respect to this body coming from Oldham, now how many were there?

A. I should think there were more than in the body coming from Stockport. There were five or six thousand people, I should think. I did not stop until they had all passed, but they were not all in sight, and from what I saw of them, I conceived that body was greater than the body that came from Stockport.

Q. Was this body that came along Oldham-road, coming in the ordinary way in which people come into a town about business?

A. They were coming in the same manner as the others, with the same regularity.

Q. Could they have marched so, without previous preparation?

A. I believe not.

Q. In fact, I might repeat the question which I put to you, with respect to the other body. Did you ever see people come in about their ordinary business, in such numbers, and in such a regular way?

A. No; except they were soldiers.

Q. Were they in divisions, or how?

A. There were flags in different parts of the line. I think there were two sets of flags, to the best of my recollection.

Q. Was there any thing else besides flags?

A. There were what I understood to be caps of liberty, at the tops of the flag-staffs.

Q. Had they any thing else with them?

A. Many of them had large sticks.

Q. Were they walking with them?

A. Some were walking with them, and some had them over their shoulders.

Q. How many flags were there?

A. I don't know the number.

Q. As near as you can guess, how many were there?

A. There were more than there were in the Stockport division, I think; because, I think there were four or five flags in the Stockport division, and there were more in this.

Q. How many caps of liberty were there about?

A. Perhaps two, or perhaps more; I can't say.

Q. Did you hear any word of command given?

A. I saw some individuals out of the regular line, going actively backwards and forwards, and talking to them.

Q. Did those individuals appear to be at regular distances from each other, or how?

A. They did.

Q. Now, Sir, taking all these things together, was there any thing, in fact, said, either by you or by the persons about you, indicating any apprehensions?

A. I said, what I have told you before, that I was afraid of the

consequences, and I wished to find this young man's officer, to see if he would allow him to go. His father was with me, and his father said, that he ought to be at home, for he was a boy, and not fit to be opposed to a man.

Q. Was there any body else except yourself near those, by whom observations were made, indicative of apprehensions or alarm?

A. I think there were some expressions used of that sort, but I cannot say what they were.

Q. Were the expressions indicative of alarm?

A. They were all alarmed like myself.

Q. Did you gather that, from what they said?

A. Yes, I did; I said that the sticks did not appear to me to be calculated for walking with.

Q. Did you say so?

A. I either said so or thought so; (*a laugh*) but I rather think I made the assertion.

The CORONER—I really must clear the room, if that kind of conduct is repeated. The place is so hot now, that it is scarcely possible to bear it.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. That was your idea?

A. Yes; that was the impression on my mind.

Q. Were the shops open as usual, and was business going on as usual?

A. No; I think many of the window shutters were on the shop windows in Piccadilly.

Q. Did you see them?

A. Yes; I think the shop window shutters were up.

Q. Were they really so? Speak positively, if you can?

A. Yes, they were.

Q. Was business going on?

A. No; I think not.

Q. Were you doing any business?

A. I was doing no business. I was ordered to attend at St. James's-square, and I was going there.

Q. I think I understood you to say, that you then went to the ground?

A. Yes.

Q. Did you see any other bodies of persons than those you have described?

A. I saw another body come in from Deansgate, with Mr. Hunt, as I understood, in a carriage.

Q. That was the first other body that you saw?

A. There were other bodies came on the ground whilst I was there: they came in the same direction on the ground as the other bodies, though they might have come in a different direction before.

Q. How long have you lived in Manchester?

A. Six years.

Q. Did all these bodies that came from Oldham-street, and Stockport-street, and so on, appear to you to be Manchester people?

A. No; I should have known some of them, if they had been.

Q. Did you see any Manchester people on the ground?

A. There were some individuals about me, that were Manchester people, whom I knew.

Q. Where did these different bodies range themselves, when they came on the ground?

A. They came towards the hustings, and gradually formed round the hustings.

Q. Was there any species of demonstration by the people assembled, as these different bodies came on the ground?

A. There was a great deal of shouting, and waving of hats and sticks, as they came up.

Q. From whom was that shouting?

A. From the people coming in, and it was answered by the people already assembled.

Q. And the waving of sticks—in what way was that?

A. It was in this way—[*Here the Witness waved his hat, as illustrative of his meaning.*]

Q. And hats were waved in the same way?

A. Yes. Hats in the same way.

Q. Did you see any Manchester people that you knew, come to the ground in large bodies?

A. None. They appeared to me to be all strangers.

Q. Did the different bodies keep covered—I mean with their hats on, or did they take them off?

A. They had their hats always on, I think; except when they were using them for the purpose of shouting.

Q. When they stood round the hustings, were their hats on or off?

A. They were on, I think.

Q. I mean when they were in the position round the hustings?

A. I cannot speak to it positively. It did not strike me, that there was any thing particular or out of the way in the appearance of their hats.

Q. Were the hustings then, where the people assembled, ultimately surrounded by strangers, or by Manchester people?

A. By strangers.

Q. You saw Mr. Hunt come on the ground?

A. I did.

Q. Did you see him before?

A. I saw him come up Peter-street, but I could not speak to his identity at that distance.

Q. Did a large body come with him, or how?

A. A large body came with him.

Q. Was there any music with them?

A. Yes.

Q. And any flags?

A. Yes.

Q. Was the music playing as they came?

A. Yes.

Q. What number of flags were there in that body?

A. Four or five.

Q. Were there any caps of liberty?

A. I could not speak exactly to them.

Q. Did you see any thing like what you conceived to be caps of liberty?

A. Yes; I thought they were caps of liberty at the tops of the flag-posts.

Q. Did you see Mr. Hunt come up to the hustings?

A. I saw him near to the hustings, but I lost sight of him then, from the place where I first stood, on account of the people intercepting my view. Then I came up, and when I came up he was on the hustings.

Q. Were there the same demonstrations of shouts, and sticks, and hats waved in the air, when the body with which Mr. Hunt came, arrived, as there had been when the other bodies came on the ground?

A. Yes.

Q. You saw him on the hustings, you say, afterwards?

A. Yes.

Q. How many flags were there near the hustings at that time?

A. I should think twelve or fourteen.

Q. Immediately about the hustings?

A. Yes, all round the hustings.

Q. And caps of liberty?

A. Yes.

Q. How many do you think, about?

A. Five or six, perhaps there might be.

Q. Do you recollect the colour of any one of the flags near the hustings?

A. I saw a black one and a white one.

Q. Do you recollect the inscription that was on the black flag?

A. I think it was "LIBERTY or DEATH" on that, but I am not positive.

Q. Did you see any red flag?

A. I can't recollect.

Q. Did you see any thing green?

A. I can't say positively. It runs in my mind that green was a prevailing colour, but I can't charge my memory with it.

Q. Did you see any figure of any thing?

A. I think I saw a dagger—I mean a dagger at the end of a pole of a flag.

Q. Do you mean at the top of a pole, or drawn?—I mean delineated upon a piece of silk?

A. No, it was shaped like a dagger.

Q. Was it of any particular colour?

A. I don't recollect.

Q. Did the flags you speak about, remain stationary about the hustings?

A. Yes.

Q. Then they were not in line?

A. No. I thought they were attached to the hustings.

Q. Did you hear Mr. Hunt begin to address the people assembled?

A. Yes.

Q. Did you know what he said?

A. I was not near enough to hear what he said, but I heard his voice.

Q. The Manchester Yeomanry then came on the ground?

A. They did.

Q. Now how were they received?

A. The people took off their hats and shouted, and waved their sticks.

Q. What sort of shouting was it?

A. It appeared to me at the time, as if it was in ridicule of the Yeomanry.

Q. Was any other thing done?

A. The Yeomanry halted.

Q. But I mean, by the people round the hustings?

A. They were making a noise and shouting.

Q. The flags were stationary, were they not?

A. Yes; I think so.

Q. They were not moved?

A. I think not. Though I rather think some of the flags were moved or waved in the same manner as the hats, when they came on the ground.

Q. When the Yeomanry came amongst the people, how did they come? How many abreast were they?

A. There was first one individual leading them, and they might be half a dozen abreast after—I should think so.

Q. Do you know what a column is?

A. No.

Q. But you say they were half a dozen abreast?

A. Yes.

Q. How had they their swords?

A. They waved their swords.

Q. In the air, or how?

A. In the air, this way—[*here the witness again waved his hat, as illustrative of his meaning.*]

Q. Where there any constables going before them, to the hustings?

A. There were.

Q. Was Mr. Nadin amongst them?

A. I think he was, but I can't be positive.

Q. You say there was some opposition before they got to the hustings?

A. Yes, immediately after they passed me.

Q. How far were they from the hustings, at that time?

A. I should think about ten yards.

Q. What was that occasioned by?

A. I thought it appeared to me as an opposition by the people, not to allow the Yeomanry to go up to the hustings.

Q. Did you see the people do any thing with their hands?

A. I saw nothing but stones thrown then.

Q. Then at the time of the pause, you saw some stones thrown?

A. Yes, just about that time.

Q. How far were the Yeomanry from the hustings then?

A. Some might be under the hustings—and some up to the hustings; but those near me were about ten yards from the hustings.

Q. Was the pause then, in the body near you?

A. It was in the first.

Q. Near you?

A. No, in the first.

Q. Now in going up to the hustings, did you see a single individual of the Manchester Yeomanry use either the flat or the sharp side of his sword?

A. No.

Q. Did you see any single individual thrown down or trampled upon?

A. I can't particularly accuse any one; but I think the horses might have trampled on some persons.

Q. The special constables being before them, were they not as likely as any body else to be trampled upon?

A. One time I was before them, and I thought myself as likely to be trampled upon as any body else.

Q. And there were special constables along with you then?

A. Yes, where I was.

Q. After the stones were thrown, did you see any difference in the movement of the Yeomanry or their swords?

A. I could not see it then, as I was behind them.

Q. Was it at this time that you heard the report of pistols?

A. Perhaps a minute or two afterwards; when Mr. Hunt was taken off the hustings.

Q. When do you say it was?

A. I cannot speak positively, because it was all in such confusion; but it was within a few minutes after: I think it was shortly after he was taken off the hustings.

Q. Did you see any soldiers in that direction in which these reports appeared to be?

A. No, I did not.

Q. When was it you first saw some of the Cheshire Yeomanry or the 15th Hussars?

A. Immediately after the Manchester Yeomanry passed, I saw the Cheshire Yeomanry, and immediately after them, I saw the 15th Hussars.

Q. Was that after Mr. Hunt was removed ?

A. When they were removing him.

Q. In what direction did they come ?

A. They came round the corner of Mount-street.

Q. Did the Cheshire Yeomanry come quicker or slower than the Manchester Yeomanry ?

A. I think they went quicker.

Q. How had they their swords ?

A. Their swords were over their shoulders.

Q. How ?

A. The 15th Hussars shouted, I think.

Q. No ; but were they brandishing their swords ?

A. I don't recollect whether they were brandishing their swords particularly.

Q. Now you saw the 15th Hussars come on the ground ?

A. Yes.

Q. At what pace did they come on the ground ?—Did they come quicker or slower than the Manchester Yeomanry ?

A. They were very rapid.

Q. Did these corps, come each of them, on the ground, after the stones were thrown ?

A. Some of them were coming on the ground when I turned round to get towards the houses, and immediately after the stones were thrown.

Q. From all you saw of the three corps, did you see greater violence or rapidity on the part of the Manchester Yeomanry, than on the part of these two other corps ?

A. I did not.

Q. Did you see the three bodies use their swords among the people ?

A. I can't speak about the swords being used at all. I did not observe any particular case.

The WITNESS cross-examined by Mr. HARMER.

Q. The first body of the people that you saw, were coming past the Albion ?

A. They were.

Q. And that body was composed of country people ?

A. I suppose so.

Q. Men, women, and children ?

A. Both men and women.

Q. And children also, were there not ?

A. Yes.

Q. You say you never saw a body of people so orderly ?

A. I never saw such a body of people.

Q. You never saw such a body of people walk with such regularity, you said. Did you not ?

A. Yes. What do you mean by regularity ?

Q. Why, you understood what the learned Counsel meant by

regularity. How is it you don't understand me?—They did not come in like a violent mob rushing through the streets, creating terror and alarm, did they?

A. They came in a kind of military array, which was more imposing to my mind than an irregular mob would have been.

Q. I don't know whether you have ever been in London?

A. I have.

Q. You have lived there perhaps some time?

A. A short time.

Q. Did you ever happen to see the different trades-people go out in bodies to their bean-feasts?

A. No, I don't think I ever did.

Q. Did you ever see the bodies of firemen go in their processions?

A. No.

Q. Did you ever see any of the processions that have taken place in this town?—Did you see the procession that took place here, at the time of the restoration of Louis XVIII. to the throne of France?

A. I don't recollect any procession then.

Q. Why, recollect yourself. It is within six years, and was a very memorable occasion, that would surely attract the attention of every loyal man.

A. I don't recollect it.

Q. Well; this assemblage of people had, to you, a very terrific appearance?

A. Yes, it had.

Q. They impressed your mind with an idea that there was great danger?

A. Yes.

Q. Was the first impression of that sort on your mind created by the appearance of the first body?

A. Yes.

Q. And then you saw the second body coming?

A. Yes.

Q. And of course that increased your terrors?

A. I don't know that it increased them.

Q. But when you saw the larger body coming with these women and children among them, did not that increase your alarm?

A. It could not, for it was so very bad at first.

Q. Then I think you saw Mr. Hunt advancing with a third large body?

A. I did.

Q. And those immense bodies, when congregated together, formed one large mass?

A. Yes.

Q. You thought such an assemblage extremely dangerous, you say?

A. I thought so.

Q. Of course, then, you thought it would be extremely dangerous to go among them or near them, when they were joined in one large body ?

A. I was among them myself.

Q. Yes ; and all these dangerous people formed themselves immediately round the hustings ?

A. They did.

Q. And you, with all your terrors and alarm, went within ten or fifteen yards of the hustings ?

A. I did.

Q. You have told us that you have seen many larger masses of people than this ?

Mr. ASHWORTH—That was said only with reference to the Stockport body.

The WITNESS—That was all.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. The people were not armed ?

A. I think not.

Q. Have you any doubt about it ?

A. I think they were not,

Q. Do you mean to say you saw any weapon in the hands of any of them ?

A. No, I do not think they had any weapons.

Q. Don't you know they had not ?

A. Very well, Sir ; then I admit it.

[Here Mr. Ashworth suggested that the witness should be accommodated with a seat, as he appeared from his paleness to be much exhausted. He was accordingly accommodated with a chair next to the Coroner.]

Q. Had the women and children you saw, any arms or weapons ?

A. None.

Q. These people, you say, in coming to the hustings, gave you an opportunity of getting to the field before them ?

A. Yes.

Q. And they took some considerable time in walking to the field ?

A. Of course it must take some time.

Q. And was not this immense mass of people some considerable time in congregating ?

A. Yes.

Q. And the first body, you say, came with a coach at their head, on which was Mr. Moorhouse, who called out for a shout ?

A. Yes.

Q. Was there any thing very *military* in that ?

A. No.

Q. Have you seen military bodies before ?

A. Yes.

Q. And that is not very usual with them ?

A. It is not very military to shout.

Q. The military were only a few minutes in clearing the field after they entered?

A. They were not many minutes.

Q. How long do you mean?

A. Perhaps five or six minutes. Perhaps they were as much as that in clearing the field; but I do not mean absolutely clearing it; but the people were more scattered over the field, and were not so united.

Q. Not in so compact or close a mass?

A. No.

Q. When the Yeomanry came in, they took the place where you were standing?

A. Yes.

Q. How long might you have been standing on that spot?

A. Perhaps I stood there about ten minutes, or a quarter of an hour.

Q. Within how many yards were you standing of the Magistrates' window?

A. I was standing close under it, and I had been away from it backwards and forwards.

The CORONER (to Mr. Harmer)—At which time do you mean?

Mr. HARMER—I mean, when the Manchester Yeomanry came up.

A. I was about fifty yards off then.

The cross-examination of the WITNESS resumed by the CORONER.

Q. You told us that there was no Riot Act read, nor any exhortation from any one, for the people to disperse?

A. I did not hear any.

Q. Will you tell us what pace the Manchester Yeomanry came at, up to Mr. Buxton's house?

A. At a very sharp trot up to Mr. Buxton's house. Some were cantering, perhaps.

Q. Have you any doubt about it?

A. I have a doubt, whether they were all trotting or all cantering.

Q. But they came at a quick pace?

A. Yes.

Q. In an orderly manner?

A. I think they came in an orderly manner up.

Q. Then, if any persons have said that they came up in confusion, you think those persons are mistaken?

A. Yes.

Q. They went into the crowd at a canter?

A. I think they were cantering.

Q. Have you any doubt about it?

A. They were the same in one case as in the other.

Q. But was there any cantering?

A. Some were cantering.

Q. At what pace did the leaders go?

A. Cantering, I think.

Q. Before they went in, did you see or hear any directions given them by any body, and by whom?

A. I saw a gentleman in coloured clothes on horseback speak to one of the officers, but I do not recollect who it was.

Q. You don't know who it was?

A. I don't now recollect, who it was.

Q. Do you mean to say that?

A. Yes.

Q. Did you not know the person at the time?

A. I think I did. If his name was mentioned to me, I think I should recollect him.

Q. Perhaps Mr. Ashworth will suggest his name to you?

MR. ASHWORTH—No, Sir, I do not know who it was.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Did you not see any orders or notice given by the Magistrates at the window, or indication to the military to advance?

A. I did not.

Q. You were summoned to attend on the ground?

A. Yes.

Q. You were a special constable?

A. Yes, I was.

Q. And saw several of the special constables strike the people on the hustings?

A. I can't say I saw any man struck.

Q. Did you see the truncheons of the constables moving, as if they were striking?

A. I did.

Q. Did you go to the ground with a body of special constables?

A. Yes, I went with a body.

Q. How many special constables did that body consist of? Give us a guess?

A. Perhaps thirty or forty. Perhaps more.

Q. What number of special constables were there on the ground?

A. I should think there were seventy or eighty constables there altogether, or I should judge more; but you mean on the field?

Q. Yes; I mean on the field.

A. I did not observe more than seventy or eighty constables on the field in one body; but there were more on the field.

Q. Were they furnished with sticks?

A. They had staves.

Q. What you call truncheons?

A. Yes.

Q. Did they march in a body from St. James's-square?

A. I believe they did.

Q. Did you see them move?

A. Part of them.

Q. Were they not in military array ?

A. No.

Q. Not in any order ?

A. No.

Q. Then they were a straggling body ?

A. No, not on the field.

Q. But you saw them, when they arrived ?

A. No, I did not.

Q. Now, you told us a little time ago, that when you saw these poor people, you were very sorry for them, because you were afraid there would be blood spilt. Did you know that the military were to attack them ?

A. No, I did not.

Q. Had you not heard so ?

A. No.

Q. Did you know that the Yeomanry were to come on the ground when the people were assembled ?

A. No.

Q. Now at the time that the Yeomanry cantered into the crowd, had they their swords drawn ?

A. They had.

Q. Did the people before them make way, or run away ?

A. At what time ?

Q. At the very time when they cantered into the crowd ?

A. Many ran away ; many were running.

Q. Why, you were carried by the crowd, I understand ?

A. I went with them, or I was carried with them.

Q. How far could they run before they would be stopped by the immense body that was there ? How far was it possible for any body to run, before they would be stopped by the crowd ?

A. I should think about eighty yards.

The CORONER—He does not understand you.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. You say the Manchester Cavalry came cantering into the people, in a body ?

A. Yes.

Q. Cheering ?

A. They cheered before : they cheered at starting.

Q. Now at that time, when the people ran away, which way could they get out of the field ?

A. I should think they might get out by St. Peter-street.

Q. What was the number of persons, think you, that were on the field at that time ?

A. I should think there were 50,000.

Q. Then do you mean to say that 50,000 people could get out of the way as fast as the horses could canter ?

A. I don't know whether they could or not.

Q. Now you say, that there was a confusion among the Cavalry when they got some distance from the hustings?

A. There was some confusion, because they did not start regular.

Q. Did you not say, that there was some confusion when they were going up, which you thought arose, from the people opposing them?

A. Yes; I said that there was a pause.

Q. Had not the people run from the hustings as far and as fast as they could?

A. I don't know.

Q. What do you believe?

A. I was behind them then.

Q. You had had the good fortune to get out of the way?

A. Part of them got past me.

Q. I think you say you will not swear, but that part of the Yeomanry had got up to the hustings at the time these stones, you have talked about, were thrown?

A. No.

Q. You did not see any body struck with a sword?

A. No.

Q. You did not see a sword used?

A. No.

Q. Was your eye upon them?

A. Yes, going up to the hustings.

Q. And will you swear that there were not persons struck by the Yeomanry, when they were going up to the hustings?

A. No, Sir.

Q. Will you swear that you were not struck?

A. Yes.

Q. Did I understand you to say, that several were thrown down by the horses?

A. No.

The CORONER—They might have been, he said.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Do you not believe, that many were?

A. I do.

Q. Had a man, looking out of a chamber window near the Windmill, as good an opportunity of seeing all that passed, as you had?

A. I don't know the Windmill.

Q. You will not swear there were not some people cut?

A. There were none cut beside me, within my view.

Q. Now, that is an equivocal answer. Do you mean there were no persons cut at all?

A. Within my view. That is what I said before, and that is what I meant.

Q. Were you yourself cut at?

A. I only speak now to what happened previous.

Q. Were you yourself cut at?

A. Afterwards I was. I got a blow when I was in the crowd.

Q. At what period was that?

A. At the time Mr. Hunt was either going to the house in which the Magistrates were, or else he was in the house.

Q. Were you cut?

A. No.

Q. Were you struck?

A. Yes.

Q. Have you not told the name of the person who struck you?

A. I don't think I have.

Q. I will remind you of some of your own words. Did you not say to him "damn you, Sir, can't you see?"

A. I can't recollect it.

Q. Have you not told some person that you were cut at, and that you made use of that expression?

A. I cannot recollect what I may have said upon that subject. I cannot speak to it now.

Q. I must try your recollection a little more. Have you not told some person, that you would have been cut, if you had not exclaimed, "damn you, Sir, can you not see?"

A. I might have told many persons many things.

Q. That will not do, Sir. I now ask you upon your oath, was it not a person whom you personally knew, that cut at you?

A. No.

Q. Do you happen to know Mr. Fox?

A. Yes, I do.

Q. Then, will you tell me now, whether you know the person who cut at you?

A. No, I do not.

The CORONER—Do you ask him whether it was Mr. Fox that cut at him?

Mr. HARMER—No, Sir.

Mr. ASHWORTH—It is continually put, Mr. Coroner, that he was cut, when in fact it was no such thing.

The WITNESS—No; it was only a blow with the flat side of a sword, which knocked my hat over my forehead.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Do you know the person who struck you?

A. No.

Q. When, will you swear, was the first time that you saw a stone thrown?

A. I conceive it was before Mr. Hunt was taken into custody.

Q. Will you swear that?

A. To the best of my belief, I think it was so.

Q. Whereabouts was the person that threw the stone, do you think?

A. On the other side of the hustings from that which the Yeomanry approached.

Q. Now, I will ask you, Sir, whether it was possible, in such a compressed body, for any person to throw a stone or a brick, until after a very considerable dispersion had taken place?

A. I don't know in what state the body was, in the place where the stone was thrown from.

Q. How long had the body of Yeomanry passed you, when the stone was thrown?

A. There were part of the Yeomanry near me at the time the stone was thrown. Part of the Yeomanry were up at the hustings at that time.

Q. Will you swear, that they were not in their way to Mr. Buxton's house, with Mr. Hunt, at the time?

A. I will.

Q. You were within ten or fifteen yards of the hustings, when the Yeomanry first came?

A. I think I was.

Q. How far did you run, before you got out of the way of the military?—The Yeomanry, I mean.

A. I made towards the hustings, and I got to the side of them.

Q. Then did you remain stationary after they passed?

A. No; I can't say exactly which way I passed, nor which way I went.

Q. Could any body choose which way to go? Were they not moving away in masses?

A. No; not where I was.

Q. But you were where the Yeomanry had cleared?

A. Yes.

Q. Now, you have stated, that you lost sight of the hustings in the first instance; when you got sight of the hustings again, what did you see?

A. The people on the hustings.

Q. And after you had seen the people there then, how long was it before the hustings were cleared?

A. In the course of three or four minutes; or five minutes, it might be.

Q. Well, you say they were five minutes before they cleared the hustings after the Yeomanry got to them?

A. I cannot speak to the time exactly.

Q. Will you swear they were two minutes clearing the hustings?

A. I think I may swear that.

Q. You say that the people began to disperse?

A. Yes.

Q. When?

A. I conceived they began to disperse as soon as the Yeomanry appeared on the ground.

Q. Were they not struck with terror, and did they not disperse immediately?

A. There was a great many who were struck with terror and did disperse.

Q. And did they not endeavour to get off the field?

A. They ran.

Q. Did they not run and endeavour to escape?

A. I don't know what their endeavours were made at.

The CORONER—He tells you what he thinks.

The WITNESS—I don't know what their endeavours were pointed to.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Don't you know, they were running away from the Manchester Yeomanry?

A. Yes.

Q. And did not the Manchester Yeomanry gallop after them?

A. Up to the hustings.

Q. Did you not see them running afterwards, and the soldiers galloping after them?

A. Yes; I did.

Q. Did you not see the soldiers overtake them and strike them?

A. I did not.

Q. Did you not see them overtake them?

A. I saw them pass them. There were people behind them and before them.

Q. What do you mean by the soldiers galloping after them then?

A. I saw them running, and the soldiers running after them.

Q. You did not see the soldiers, then, doing any thing to them?

A. I did not.

Q. Perhaps you doubt that there was any one wounded that day?

A. Oh no, I do not.

Q. The first firing, you say, was when Mr. Hunt was in the house, or when he was going to the house?

A. Yes.

Q. And it was in the direction of Deansgate?

A. That was my conception.

Q. You have a conception, then, that it was not a firing by soldiers, because there were no soldiers there?

A. I did not see any.

Q. Might there not be soldiers there, without your seeing them?

A. There might.

Q. Did you hear of any Yeomanry being shot?

A. At what time?

Q. At that period?

A. No, I did not.

Q. Will you give us the names of those gentlemen that you saw among the Yeomanry that day, and who passed you in their way towards the hustings?

Mr. ASHWORTH—I think, I cannot permit that question to be asked.

The CORONER—No. He shall not answer that. I cannot see how it is to apply.

Mr. HARMER—Well, Sir, of course I cannot help it, and I must bow to your decision. I have urged the matter thus far.

Mr. ASHWORTH—I should not have offered evidence to rebut the testimony you have given as to the character of the meeting, if you did not attempt to introduce the names of persons uselessly.

Mr. HARMER—I have a right to know the names of all the persons who participated in the violent outrage upon this meeting. It is absolutely necessary for the purposes of justice that it should be answered.

Mr. ASHWORTH—I trust the Coroner will put an end to this. This gentleman ought only to cross-examine, to facts arising out of the examination in chief, and ought not to be suffered to cross-examine to collateral facts. I say this is collateral facts.

Mr. HARMER—I beg pardon. I submit to the Coroner that this is not collateral facts. It is a general proposition that persons were assaulted, and some of them were murdered.

The CORONER—Who he saw cut or wound any body, I will allow you to ask.

Mr. HARMER—That would be very absurd, Sir, for me to do, after the witness has already declared that he did not see any body actually cut.

The CORONER—I can't see the use of your asking the questions you have asked.

Mr. HARMER—Well, Sir, I shall not argue the point.

Mr. ASHWORTH—I certainly submit that it is an objectionable question. In Mr. Phillips's *Treatise on the Law of Evidence*, Sir, I find it thus laid down:—

* “ In cross-examinations, the object of which is to sift evidence “ and try the credibility of witnesses, a great latitude is allowed in “ putting questions. The rule, however, is subject to certain limitations. A witness cannot be examined to any fact which (if admitted) would be collateral and wholly irrelevant to the matter in “ issue.”—Then I submit that this is collateral to the wounding of John Lees.

The CORONER—I do not think it is admissible, Mr. Harmer, unless you show that this witness saw some people cut. If he saw any one person cut, then you are at liberty to ask the name of the person who cut him.

Mr. HARMER—That would be very absurd, indeed, Sir, after the witness tells me, and of course I must give him credit for speaking the truth, that he did not see any one cut. The learned gentleman gives us the doctrine laid down by Mr. Phillips, but which, I submit, has nothing to do with the question I have put to this witness. No doubt, I cannot ask the witness as to collateral facts. I could not ask him when he had been in London, and what he had seen there; because that is collateral. But surely, I may ask him the names of those Yeomanry who proceeded into the crowd with their swords drawn. I have proved already that they did cut, by abundant testimony.

* *Phillips's Law of Evidence*, p. 228; and *vide post*.

The CORONER—You have not proved that the same Yeomanry cut.

Mr. HARMER—I beg your pardon, Sir; I have proved that it was the Manchester Yeomanry who went into the crowd in this manner; and I have proved that they cut the people.

Mr. ASHWORTH—The issue here is, how did John Lees come to his death? Does giving up the names of the Manchester Yeomanry shew how he came to his death?

Mr. HARMER—Certainly, I submit that it does. I have produced numerous authorities to shew, that all the persons who are present, aiding and abetting, when a death wound is given, are chargeable with murder; because the design of one, is the design of all. The learned gentleman told us at Oldham, that he ought not to be expected to carry his library in his pocket; he is now close to his own library; he has access, no doubt, to all the law libraries in Manchester; and I defy him now, to produce a single authority, to controvert the doctrine, that I have submitted to you, Sir. I have produced an abundance of cases, and they remain unanswered.

Mr. ASHWORTH—The Coroner is of opinion that they have been satisfactorily answered.

Mr. HARMER—They have been only answered by your assertions, Sir, which, I submit, are no answers at all.

The CORONER—They have been answered, because it appears there is no principal; and therefore, we cannot enquire into the cause of the accessaries.

Mr. HARMER—The delusion, as I have before said, into which Mr. Ashworth has endeavoured to lead you, Sir, is, by drawing a distinction here, between principal and accessory, which in point of fact does not exist; because I charge them all as principals.

The CORONER—And I can't believe your charge.

Mr. HARMER—It is my duty, Sir, to submit with all due deference, that the question which I put to the witness is a legal question, and ought to be answered.

The CORONER—I think it is not admissible evidence. Now, will you ask any more questions?

Mr. HARMER—No, Sir. It is no use for me to ask any more questions, when I am thus interrupted and interdicted.

The WITNESS examined by the CORONER—(Mr. Ashworth suggesting the questions).

Q. Now, about what number of women do you suppose there might be in the bodies that you saw come into the town?

A. There might be about one to ten.

Q. So many?

A. I suppose so.

Q. What proportion of children might there be?

A. It struck me, that there were not many children. There were very few.

Q. What do you mean by children?

A. I mean boys from eight to twelve years of age.

Q. And there were not many of that description?

A. No.

Q. Now, upon the ground, what proportion of the whole body that you saw, were women and children?

A. I can't think there was a twentieth part altogether.

Q. Could the witness swear, that there was a fiftieth part altogether?

A. No.

Q. Could he swear that there was one hundredth part women and children?

A. I should think I might safely do that.

Q. Children such as you describe?

A. Yes.

Q. Now, when the Yeomanry were coming up to the hustings, were there not plenty of room and time by St. Peter's-street, by the end of Dickenson-street, and by Prince's-street, for the people to begin to disperse?

A. Certainly, there was time for them *to begin*, I have no doubt.

Q. Must not, in fact, that beginning to disperse, have removed the people from about the hustings?

A. I think it must.

Q. Do you mean, that if those who were actually outside the crowd had moved, it would have allowed those up at the hustings time to move also?

A. Yes.

Q. When you saw the Yeomanry at the hustings, were the hustings clear of people, or how?

A. No; there were people round the hustings.

Mr. HARMER—We are now getting, Sir, into quite a new examination.

The CORONER—I think not. I think Mr. Ashworth is at liberty to suggest any questions to me that he wishes to be answered, after he has closed his own examination.

The examination of the WITNESS resumed, in the same manner.

Q. Was there sufficient opportunity, before the Cavalry came up, for the people to escape from about the hustings?

A. I think they might, on this side between the Yeomanry and the hustings.

Q. I only want to know, whether they might not have cleared the hustings, before the military got up?

A. My conception is, that they might, perhaps, if they had been very anxious to do it.

Q. Do you mean, to make room for the soldiers to come up?

A. Yes.

The WITNESS examined by the CORONER—(Mr. Harmer suggesting the questions).

Q. Did you yourself think it necessary to move from where you stood, until you saw the Manchester Yeomanry come galloping and cantering into the crowd?

A. No; I did not think it necessary, until I expected them coming up.

Q. But did you think it necessary to move until you saw them come cantering into the crowd?

A. No.

Q. Do you mean to say, that from the time the Manchester Yeomanry came cantering into the crowd, and the time they got up to the hustings, there was sufficient time for the people to have cleared away?

A. They might have cleared that side of the hustings.

Q. How many thousands of people do you suppose there were, on that side of the hustings?

A. Some thousands: two thousand, perhaps.

The WITNESS examined by the CORONER.

Q. You said, that in five or six minutes the field might be cleared. Do you mean, there might not be any of the crowd left?

A. When I say that the meeting might be dispersed, I don't mean that the field would be completely cleared.

Q. But at the expiration of five or six minutes, how many people were there still left?

A. I should think there might be some thousands still.

Q. Within your view?

A. Yes.

Mr. EDWARD OWEN called in by Mr. ASHWORTH, and sworn by the CORONER.

Mr. ASHWORTH—To save time, Sir, perhaps it would not be objected to, if I were to examine those witnesses that are called by me first, and that then the learned gentleman on the other side should cross-examine them, leaving it afterwards for you to ask such questions as you think the justice of the case requires should be asked. According to the present course, you first examine the witnesses, and then Mr. Harmer or I, by whomsoever the witness may be called, have to retrace the same ground. It would, no doubt, be a great saving of time, if the course I propose were adopted; and I do not apprehend it will meet with the slightest objection on the other side.

Mr. HARMER—Certainly, I can have no objection to that course, Sir, or any other course which will save time, as long as the purposes of justice are fully answered. But I will take the liberty of suggesting, that it turns out the last witness was a special constable,

and I understood the evidence of such witnesses was not to be received.

Mr. ASHWORTH—I recollect, perfectly well, that on the first day I attended your Court, at Oldham, I was challenged by the learned gentleman to bring forward the special constables to give evidence upon this occasion. It is, no doubt, a horrible case, as the learned gentleman said, that this Inquest should be protracted so long; but, as I have been challenged by the learned gentleman to establish an exculpation, I certainly feel myself warranted in calling the special constables, whom I have been challenged to produce, to give their evidence upon this occasion.

Mr. HARMER—Upon reflection, I certainly think I was wrong in challenging the learned Counsel to produce the evidence of the special constables. Perhaps the appearance of the case, and the complete absence of all justification for the outrage that was committed on the 16th of August, elicited from me that challenge; but the necessity of the learned Counsel is pretty well evinced, when he flies to the testimony of the special constables, without stating that Mr. Mutrie was one of that body. If, however, the Coroner is of opinion that the testimony of the special constables is admissible, I bow to his decision.

The CORONER—I have decided that the evidence of the special constables is admissible. I would rather, however, receive other testimony.

[*A Reporter, taking notes at the end of the table, here attracted the Coroner's notice.*]

The CORONER (*to the Reporter*)—Who are you taking notes for?

The REPORTER—I am taking notes for the *Statesman*.

The CORONER—I thought I told you that you were not to take notes.

The REPORTER—I never understood, Sir, that your injunction applied to me.

The CORONER—Have you sent up your notes to London?

The REPORTER—I have.

The CORONER—Have they been published?

The REPORTER—I hope so; I sent them for that purpose. I can't answer whether they have been published or not.

The CORONER—Then I shall not suffer you to take another note.

The REPORTER—Very well, Sir; I can't help that. But will you allow me to remain in Court?

The CORONER—Yes, provided you take no more notes.

The REPORTER—Very well, Sir.

Mr. EDWARD OWEN, examined by Mr. ASHWORTH.

Q. What are you, Sir?

A. I am an attorney.

Q. Are you one of the Manchester Yeomanry?

A. No, I am not.

Q. Were you a special constable on the 16th of August?

A. No, I was not.

Q. I believe you were at the meeting on the 16th of August?

A. I was.

Q. Where were you on the 16th of August, when you first observed any body of people and at what time was it?

A. I believe I was twice at the place where the meeting was held, before I saw any body of people come in procession.

Q. You were twice on the ground then before the meeting assembled?

A. Yes, I was twice on the ground before the meeting assembled.

Q. About what time?

A. About ten or eleven o'clock.

Q. Did you observe how the ground was at that time, as to whether there was any stones or sticks upon it?

A. I did not observe as to stones.

Q. But I mean the first time you went, did you observe whether there were sticks or stones on it at that time?

A. I did not.

The CORONER (*to the Witness*)—Do you mean that you did not take notice, or do you mean that you saw the reverse, neither sticks nor stones upon the ground?

A. I did not take notice.

The Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Where did you go to from the ground?

A. The second time of leaving the ground, I went up Mosley-street.

Q. What time was that?

A. I should suppose about eleven o'clock. I went up Moseley-street, towards Piccadilly.

Q. What did you see there?

A. When I got to York-street, I observed many people running towards Piccadilly; and I hastened with the crowd; and at the end of Mosley-street, I met a large procession coming, which I believe, from the flags, came from Stockport and Ashton. I met the first of them at the end of Mosley-street. I saw another body afterwards, which I believe came from Oldham.

Q. Was the first body you saw like people going to market, or going to fairs, or were they like people going about their ordinary business?

A. They were certainly not like people going about their ordinary business, for a great many of them appeared to be particular in the pace in which they walked.

Q. How do you mean particular, as to the pace in which they walked?

A. I observed a great many of them repeated the word "left" "left"—as they put the left foot to the ground.

Q. Did you observe any body there giving the word of command to them?

A. I don't know that I did, with them. There was a very great difference in the manner of walking in the individuals. Some walked with much more regularity than others.

Q. Did it strike you that they moved like a body that had never made any preparation for that sort of walking or not?

A. Some appeared to have made preparation, and some did not.

Q. Did some of them appear to be trained?

A. Some appeared to have been trained to walk in that way. It was more like a march than any thing else.

Q. What number of persons did you observe pass? Did you stop to see these persons pass for any length of time?

A. I saw the whole of them pass.

Q. What number did they appear to be?

A. I can't form an estimate of that. I should suppose they were twenty minutes in passing. If you will allow me I will go on to observe, that there were many women and children amongst them, and that the women and children walked very stragglingly, and with nothing like a march.

Q. I should have asked you that, Sir, in order. But what do you mean by children?

A. I mean boys about twelve or fourteen years of age, and there were some few girls of about the same age.

Q. What proportion was there of women and children in the body?

A. I have never considered that matter. The proportion was but a small one.

Q. Was it in your estimation a fiftieth or a hundredth part?

A. Probably there might be a tenth part, but I speak very doubtfully as to that.

Q. Were there any flags in that body?

A. There were several.

Q. Were there any caps of liberty?

A. Yes; but I forget whether two or three.

Q. Was there any band of music?

A. No; I don't recollect seeing any with that procession.

Q. Did you see any inscriptions on the flags?

A. I certainly noticed them, but I do not know what they were. I did not observe any thing particularly violent in the inscriptions of this procession.

Q. Did you see any sticks among these people?

A. I saw a great many sticks.

Q. That they were walking with, or how?

A. Some were walking with them, and some were carrying them in their hands.

Q. Carrying them in their hands, up?

A. Sometimes up, and occasionally moving them about.

Q. Now did you yourself, as this body passed by, or did any body near you make use of any expression, indicating apprehension or alarm?

A. I thought myself, that it looked very formidable; but I did not communicate my sentiments to any body.

Q. But you heard, as to this body, no indication of apprehension or alarm from those round you?

A. No. I heard this body huzza at a coach which they passed opposite the White Bear, on the dickey of which stood Moorhouse.

Q. When you saw him standing on the coach, do you mean on the foot-board?

A. Yes; the hind part of the coach.

Q. Did he huzza?

A. The crowd huzza'd and shouted. I don't know that he did.

Q. Was that all you observed respecting this body?

A. Yes. I am not aware of any thing else.

Q. Where, then, did you go?

A. I observed a number of people running towards High-street, and I went with the crowd until I got to Shude-hill, and there I met a crowd coming from Royton and Oldham, I believe, and that neighbourhood. I don't know whether they came from Oldham, but that they came from Royton I am positive. I pushed rapidly past them, until I reached the front of them, and they extended to Old Mill-gate.

Q. That is, the advance of them?

A. Yes. When I reached the middle of Old Mill-gate, a shout came of "*halt*," from behind, and instantly all that were in my sight stopped.

Q. Was that shout from one person?

A. It was communicated from one to another, more like a running fire than any thing else. I stopped also, and observed several men in front with sticks in their hands, who appeared to be a kind of directors. They were active in making them halt, and in repeating the word, and in stopping in front of them, with their sticks.

Q. Were the shops open at this time?

A. I was going on to observe, that the instant they began to halt, the people began to put their shutters up to the shops; and these men in front appeared very anxious that they should not put their shutters up, saying, "We are not come to harm you. We will do you no harm." They appeared very anxious that the shopkeepers should not be alarmed; but the shopkeepers shut up their shops, notwithstanding what they said.

Q. How long did they halt?

A. About five minutes.

Q. Did they then move forward?

A. Yes; there came a shout from behind, "*Go on*," and they went on.

Q. Did you observe how many flags there were with that body?

A. I can't charge my memory. There might be half a dozen; or probably not so many. Three or four, perhaps.

Q. How many caps of liberty were there?

A. I can't charge my memory. There were more than one, I believe, or two.

Q. Was this body, in point of regularity of step, equal to the other?

A. They were much more regular in point of step. I stopped in front of the Exchange, and saw them all go past.

Q. Did it strike you that that regularity was the effect of accident, or design?

A. I felt perfectly convinced then, and I still feel the same conviction, that many of those men had been practising that way of walking before, from the regularity in which they walked.

Q. Have you seen soldiers walk in slow or common time?

A. Yes.

Q. Was it like that?

A. It was like common time.

Q. Do you mean the common time of soldiers walking?

A. Yes.

Q. You saw the whole body pass?

A. Yes.

Q. How many do you think there were?

A. I think they were about twenty-five minutes in passing, to the best of my recollection.

Q. Were there thousands?

A. There must have been thousands.

Q. Did you see any bugle with that body?

A. Yes; I saw a bugleman about the centre of that body:

Q. Was that bugle sounded at all?

A. Yes; it was sounded the greater part of the way coming through the market-place. I don't recollect the tune, but it was one by which they might easily march.

Q. Did you yourself, on that occasion, feel any alarm or apprehension?

A. (*After a considerable pause*)—My idea, Sir, was this—

Q. I say, did you feel any alarm?

Mr. HARMER—Pray let the witness answer.

A. My idea was this. Seeing such a body, I thought there might be partial acts of riot and violence, and I thought it might be very difficult for the civil power to check them; but I considered that the leaders, for their own responsibility, would do as much as they could to prevent all tumult. I have attended many meetings at Manchester, but I never attended any at which I felt so much alarm as at that on the 16th of August.

Q. Did any body but you, express any apprehension?

A. The shop-people were closing their shutters—the persons who had stalls were removing their goods, and upon their faces there certainly did not appear that species of expression which exists on common occasions; there were, manifestly, symptoms of alarm. Every thing was very still, and that made it more awful.

Q. Were there any words or expressions made use of by the persons standing by, indicative of apprehension or alarm?

A. I recollect that, when a flag came, with the words on it—“EQUAL REPRESENTATION OR DEATH,” the people said—[*Here the witness pronounced, twice, that species of ejaculatory interjection, which is usually uttered by every one, as expressing sorrowful surprise, or expectation*]—“Thethz! Thethz! how far will this go.”

Q. Did you see any other inscriptions?

A. I saw several; but I don't now recollect any, except "*The Royton Female Union*," but I can't charge my memory with what was upon the other flags.

Q. Did you see any thing delineated on any of the flags?

A. I don't recollect that I saw any thing delineated on any of them; except, I believe, on one flag there was a delineation of two hands clasped together.

Q. Did you see the representation of any thing at the top of any flag?

A. No; not amongst that body.

Q. Did you then go to the ground?

A. Yes. But I should state to you, that there were women and children in this procession; but the proportion of them was not so great as in the procession that came from Stockport.

Q. Did you then go to the ground again?

A. Almost immediately.

Q. Where did you station yourself on the ground?

A. In the first instance I was not very far from the lower end of the Quakers' Meeting-house, the Deansgate end, and the West-end, but near to St. Peter-street.

Q. Did you, in that situation, see the different bodies that came on the ground?

A. No, all the bodies had then come. There were other bodies then on the ground beside those that I had seen, but the flags were different.

Q. Did you see any number of Manchester people on the ground?

A. I judge by their countenances and appearance that the greater proportion of people were strangers. The towns-people stood on the outside of the meeting as much as they could, as it seemed to me.

Q. That is, furthest from the hustings?

A. Yes.

Q. Did the Manchester people come in bodies?

A. I did not observe any.

Q. You did not observe any of the towns-people come in bodies, you say?

A. Not any.

Q. Was Mr. Hunt on the ground when you got there?

A. No; and I waited I suppose an hour after the bodies were there with an interval of about ten minutes, when I went to Deansgate, and observed the greater part of the shops were shut.

Q. Had you observed before this, in different parts of the town, any bills or placards stuck up desiring the people not to attend the meeting?

A. Yes; and the first time I saw a placard stuck up—

Mr. HARMER—That placard can be produced, and as no doubt it is in existence, it will afford much better evidence in itself, than the parole testimony of its contents.

Mr. ASHWORTH—Very well, but you will allow me to give evidence of the placards, as I shall produce them.

Mr. HARMER—Very well, Sir.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. You saw some placards stuck up?

A. Yes; this in particular, and I saw one near the Marlborough Arms.

Q. Was this obvious to the people coming into the town?

A. Yes. Another was near the Spinning Wheel, in Deansgate.

Q. What was the purport of these placards?

A. I may give the words inaccurately, but to the best of my recollection, it was "The Boroughreeve and Constables request all peaceable persons to stay from the meeting this day, and to keep their servants and children within doors." That is, as near as possible, the substance of the placard.

Q. Then did you go back from Deansgate?

A. Yes. I returned to the ground, and took up the same place where I had been before.

Q. What number of people were on the ground at that time?

A. The idea I formed was, that at that time, there were about seventy thousand people on the ground.

Q. How many flags did you see, when you returned to the ground again?

A. About twelve or fourteen, I believe.

Q. Where?

A. In the middle of the ground about the stage.

Q. Did you observe where the black flag was?

A. That was about the stage also.

Q. Was there any green flag any where?

A. I saw a green flag, but I don't recollect the description of it.

Q. Was that about the stage?

A. That was about the stage, but I think it was subsequently removed either after Mr. Hunt had come, or was coming.

Q. I forgot to ask you whether the Royton people had any sticks?

A. Yes, they certainly had many sticks.

Q. Were they walking with them?

A. Some were walking with them, and some were holding them in their hands.

Q. What description of sticks were they?

A. They were mostly stout sticks that would do for walking; but they were very stout ones.

Q. Did you see Mr. Hunt come on the ground?

A. I did, with a great body of people, and with music.

Q. Were there any flags with him?

A. I don't recollect whether there were any flags, but there were two boards with the words "Order," "Order," upon them.

Q. Did you see any Caps of Liberty in his party ?

A. I don't recollect seeing any ; but I beg your pardon, I saw his own Cap of Liberty, which he preceded.

Q. What kind of demonstrations were there, when he came on the ground ?

A. There were clapping of hands, and huzzas.

Q. Did you see him on the stage ?

A. Yes, I did.

Q. Did you hear his voice ?

A. I could hear him say "gentlemen," and that was all.

Q. Did you see the Manchester Yeomanry ?

A. No.

Q. You saw "EQUAL REPRESENTATION OR DEATH," on a flag. Did you see any other inscriptions on any other flags ?

A. I believe on one, there was "NO BOROUGHMONGERING," and "UNITE AND BE FREE." I am not sure that that was on the same flag, because I cannot charge my memory, but "LET US DIE LIKE MEN, AND NOT BE SOLD LIKE SLAVES," and "NO CORN BILLS," were on other flags.

Q. Did you see the representation of any thing above the flags ?

A. I saw on the pole of one of the flags a representation of—what I presumed to be a pike, of a red colour, and if I am allowed, I will describe what was said.

Q. Yes.

A. I thought this was very odd ; and I asked several people what they thought that was, and they generally agreed—"a pike !" —"a pike !"

Mr. HARMER—That is not evidence.

Mr. ASHWORTH—I submit that it is. Every thing that is done upon the ground indicating what takes place among the multitude, is evidence ; and I trust when we come to a higher tribunal, that it will be decided so. I would not tender it if it was not evidence.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Were your apprehensions increased by this appearance ?

A. Yes, my apprehensions were increased certainly ; but I must say, that upon communicating my apprehensions to some people about me, they certainly said, "they would be quiet enough if they only let them alone."

Q. Did you gather what kind of sensation was created by the appearance of the black flag ?

A. Some persons appeared about me to be alarmed, and upon my mentioning it, they appeared to be very much alarmed ; and I heard this observation made more than once, "that black flag scared me."

Q. You say you did not see the Yeomanry Cavalry come on the ground. Did you see them when they were on the ground ?

A. No. I had altered my position to get near the hustings, near Windmill-street. I can point out my position exactly

(*Here the Witness referred to the plan.*) I was near Windmill-street, to the west of the hustings. I had not been there long before I heard a very great shouting begin. I did not know the cause of the shouting, not being able to see over the people's heads, being short; but the people about me said, "there is Major Cartwright coming."—"There is Major Cartwright coming," twice. I ran from the spot where I was, into St. Peter-street, towards where the cause of the shouting was, and when I had got about half way up St. Peter-street, I saw a part of the Yeomanry Cavalry in front of the Cottage, and by Mr. Buxton's house. I suppose there might be fifty or sixty of them.

Q. Did you see them in the act of drawing up, or were they formed?

A. They were formed. I did not see them on the ground before, nor did I know that they were on the ground. The people about me were, many of them, hissing, hooting, and groaning at them.

Q. Did these appear to be the people who were in the immediate vicinity of the Yeomanry, that did that, or was it universal among the crowd?

A. I did not notice whether it was universal among the crowd, but it was near the Yeomanry.

Q. Must they have heard it?

A. I should think so.

Q. That is your opinion?

A. That is my opinion.

Q. From the situation in which they were?

A. From the situation in which they were.

Q. Did you see them the whole time they were drawn up, before they moved towards the hustings?

A. I never had my eyes from them after that, until after they surrounded the hustings, for certainly I was surprised to see them.

Q. Then you had not heard that any thing of the kind was to take place?

A. No.

Q. Did the hissing, hooting, and groaning continue, from the time you saw them formed, until the time you saw them move towards the hustings?

A. Yes, it certainly did.

Q. Did you observe any other demonstration that was evinced by the crowd, when the Yeomanry formed?

A. My eyes were kept upon the Yeomanry, and therefore I could not observe the motions of the people. I did not observe any other motions.

Q. You say, that you observed them until they got to the hustings?

A. Yes.

Q. Did you observe any thing done, as they were going to the hustings?

A. (*After a pause*) No. You mean, I presume, opposition on the part of the people?

Q. Yes?

A. No, except, there appeared to be an endeavour to resist them, but whether it was resistance, or only arose from the density of the crowd, I cannot tell.

Q. Did you observe any pause of the Yeomanry in advancing to the hustings?

A. Yes. I observed that some paused, as if they could not get into the crowd, but when they got through the crowd, they pushed on to join the others at the hustings.

Q. Did you observe any thing else, that could cause the pause, but the thickness of the crowd?

A. No.

Q. How were their swords held, as they were advancing to the hustings?

A. I can't say. I have endeavoured to think how it was in going up, but I cannot charge my memory with it. I have a perfect recollection of how the swords were held at the hustings. They were not using them at all.

Q. That is the impression on your mind?

A. Yes. They were not cutting, or striking any body with them to the best of my recollection, until they got up to the hustings. That is the conviction of my mind. But the fact has been stated so very differently by other persons, that I very much doubt whether I am correct. That, however, certainly was the impression on my mind at the time.

Q. Then, about the hustings, what did you see them do?

A. When the hustings had been nearly surrounded, by the greater part of the Yeomanry, I then observed several of the Yeomanry striking. It did not appear to me that it was some of those surrounding the hustings, but I thought it was some of those separated from them.

Q. Did it appear to you, that the Yeomanry were striking with the sharp edge of their swords, or with the side of their swords?

A. I cannot say.

Q. Did it appear as if they wished to join their comrades in front?

A. Yes.

[*Here some noise was created in the passage outside the door of the Court, and Mr. Barrow wrote a note to the Police Office for assistance to keep silence, by the desire of the Coroner.*]

The Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you see whether it was the flat sides of their swords the Yeomanry used?

A. No.

Q. What do you conceive created the stoppage?

A. I thought at the time, that the crowd was preventing them from joining their comrades.

Q. Did you see any body cut ?

A. No, I did not ; but the blows I saw given, if they had been with the sharp sides of their swords, must certainly have cut persons.

Q. Did you, at any time, see any stones or brick-bats thrown ?

A. I stood there as long as I could, and —

Q. How far were you standing from the hustings ?

A. I was standing by St. Peter-street, almost opposite to the hustings, and the pressure of the crowd before me, was towards the Quakers' meeting-house. I got knocked down there by the crowd over the loose timber, and I perceived that a great many stones and brick-bats were then flying from the Quaker's meeting-house yard. They were in the act of being thrown from the Quakers' meeting-house yard over my head.

Q. At whom do you suppose they were thrown ?

A. They were thrown in a direction towards the hustings.

[Here a person named Thomas Smithies was brought before the Coroner, in custody of the Constables, for making a noise before the door, and was ordered to be detained in custody until the breaking up of the Court.]

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Well, Sir, will you proceed in your evidence ?

A. I was very much alarmed at the flying of the stones, and I expected that the military would fire, and as I was under the wall, I should have suffered as much as any body.

Q. What sort of stones were they ?

A. Some were large stones, some were small stones, and some I could distinguish to be pieces of bricks.

Q. Did you hear any pistol or musket fired ?

A. No, not until long after that. I heard some fired at the close of the meeting, just before Mr. Hunt was taken down to the New Bailey.

Q. Where did they appear to be fired from ?

A. One appeared to be fired in Lad-lane.

Q. Where is that ?

A. That is parallel to St. Peter-street.

Q. Down towards Deansgate ?

A. Yes, but I don't know by whom that was fired. The other was fired somewhere about the same direction.

Q. Did you see any other military assembled but the Manchester Yeomanry at that time ?

A. I did not. I saw no others, because as soon as I could, I forced my way out of the crowd, and went towards Peter-street, and I stopped at the Church ; and then I saw the Cheshire Yeomanry coming up Mosley-street.

Q. That was the first time you had seen them coming on to the ground ?

A. Yes.

Q. Was that after the stones were thrown from the Quakers' meeting-house yard ?

A. Yes.

Q. Did you, during any time on that day, see the Cheshire Yeomanry on the ground ?

A. Yes ; because I returned afterwards to the ground.

Q. And then you saw them ?

A. Yes.

Q. Did they appear to be less violent than the Manchester Yeomanry ?

A. At the time I saw them, all the bustle, if I may so call it, was over. I saw them going to the ground.

Q. At that time, did you see the 15th Hussars on the ground ?

A. Yes ; I saw them driving some of the people off the flags.

Q. Where ?

A. Near to the Jerusalem Chapel.

Q. Was their conduct equally violent with the Manchester Yeomanry ?

A. I cannot compare them at all, as there were very few people in the street at that time.

Q. Then you imagined that the Cheshire Yeomanry and the 15th Hussars came on the ground while you were away ?

A. Yes.

Q. How long were you away ?

A. About ten or fifteen minutes.

Q. Where were you during that time ?

A. I went down Mosley-street, and Bridgewater-street, and came back again afterwards.

Q. Now in consequence of all these bodies coming to this meeting, did the business of the town appear to you to be suspended ?

A. It certainly did.

Q. Was it from your observation actually suspended ?

A. Yes, it was.

The WITNESS cross-examined by Mr. HARMER.

Q. From the very candid and ingenuous manner in which you have given your testimony, I shall trouble you with very few questions. I think you say, that in the first body, there were several women and children, and as you estimate them, there were about one to ten ?

A. Yes ; but I never estimated them before Mr. Ashworth asked me the question.

Q. And with respect to all the people upon the field, you do not think the proportion of women and children were so large ?

A. No.

Q. They were marching, some keeping step, and some not?

A. Yes.

Q. And others were dictating to them?

A. Yes.

Q. They were not very much drilled, but I suppose they were what we should call "an awkward squad?"

A. Yes.

Q. Were you ever in London?

A. Yes.

Q. Have you ever seen the men of the different fire offices, and other companies, walk in their processions?

A. No.

Q. These people passed the word of command "halt" from one party to another?

A. Yes.

Q. And those in front, stopped them with their sticks?

A. Yes.

Q. Did you ever see the word of command given so before? Is it not usually given only by one person?

A. I certainly never heard it given so before, but the line was very long.

Q. I suppose you, as a professional man, would know that there was no High Treason in learning to march?

Mr. ASHWORTH—I never asked the Witness about the law of High Treason. We shall have that from a superior court.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. You thought they would all return home quietly, if they were left alone?

A. Yes.

Q. You thought that some might commit individual acts of disorder?

A. Yes.

Q. But you thought that the leaders would take care and prevent them?

A. As much as they could.

Q. You did not at all anticipate that they would be disturbed?

A. I was doubtful upon that point; but I concluded so.

Q. Now with respect to this placard, it cautioned people to stay at home, who were peaceably disposed, but it did not indicate that the meeting would be dispersed or disturbed?

A. It did not.

Q. Did it state, that the meeting was unlawful or illegal?

A. I believe not.

Q. Did it prevent you from going?

A. No, it did not.

Q. And of course you would not have gone to it, if you thought the Military would have interrupted them?

A. I should have gone to the outskirts, in all probability.

Q. Now as to this pike; was it not that part of the staff above the flag itself?

A. Yes.

Q. Don't you know that most flag-staves terminate in a point?

A. I have seen it in many, but this was peculiar; I can perhaps sketch a representation of it. There was a pike sticking up in the middle, and then were curves like a halberd. There was a pike at the top, but it was curved.

Mr. ASHWORTH (*to the Witness*)—Was it a curved kind of thing that would cut?

A. Yes.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. But it was wood, I presume?

A. I don't know what it was formed of.

Q. But at least it was so equivocal, that you asked others what it was?

A. It was intended to resemble a pike. But whether it was, or not, I cannot say.—[*Here the Witness sketched a likeness of what he alluded to, which in appearance, answered the description above given.*]

Q. You gathered it, as the sense of the persons round you, that the people would be quiet enough, if they were left alone?

A. They made that observation.

Q. I understand that you are not very tall; I presume, therefore, that a person looking from a window, would have a better opportunity of observing all that took place, even than yourself?

A. Yes.

Q. Then you yourself did not see any body struck, in the way of the Yeomanry up to the hustings?

A. No. Allow me to explain; I did not see them strike until the greater part of them got to the hustings.

Q. But if any person had stated, that he was looking from a window, and saw the foremost of the Yeomanry strike a person down, because he was stupid, you would not contradict him?

A. No.

Mr. ASHWORTH—Let it be clearly understood, that no man was struck down.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Well then, struck. If any person stated, that he saw the foremost of the Yeomanry strike a person because he was stupid, you would not contradict him?

A. No; but I was going to observe this; I would not contradict him, but if a person asserted it, that day, I should have told him, I would not have believed it.

Mr. HARMER—It was a witness produced by these gentlemen.

Mr. BARROW—No such thing, it is not so; no witness produced by us has stated so.

Mr. HARMER—I beg your pardon; Mr. Hall stated it over and over again.

Mr. ASHWORTH—yes, it is so

Mr. BARROW—Yes, Yes, I beg pardon, it was so.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. You would of course speak to the best of your knowledge?

A. Yes.

Q. When the Yeomanry were surrounding the hustings, did they strike?

A. Yes.

Q. And in such a way, as that they would cut if they struck with the edge?

A. Yes.

Q. And you don't know which way they struck?

A. No: it might be with the edge—it might be with the back.

Q. You, I understand, were carried away with the pressure of the crowd?

A. Yes.

Q. Was that crowd from the outskirts?

A. Yes.

Q. And the main body did not appear to move?

A. No.

Q. There might have been some removal to have made way for the Cavalry round the hustings?

A. No, I don't think it was necessary that any body should be removed off the ground for that purpose, but they might be more compacted together for the moment, in the same manner, as many more persons might come into this room without driving us out.

Q. Were not the people within several yards of the hustings, very closely pressed together?

A. Yes.

Q. How far were you from the hustings?

A. I was about the middle of St. Peter-street, about thirty yards from the hustings, and almost opposite to them.

Q. Now in the spot where you perceived the interruption to the Yeomanry, that you have described, in going up to the hustings, were not the people very closely pressed together?

A. Yes, they were.

Q. I think I understood you to say, that there was something of a resistance, but whether it was from the act of the people or the extreme denseness of the crowd, you could not tell?

A. No.

Q. I will ask you, whether the people were not very likely to be extremely dense in that part?

A. They certainly were.

Q. The first stone that was thrown was from the Quakers' Chapel yard?

A. Yes.

Q. And then the people had been dispersed to a considerable extent?

A. No; it was almost immediately after the hustings were surrounded.

Q. Now was it probable that any of the Yeomanry would be struck at that distance, if that was the object in the stones being flung?

A. I was aware of that question; and I am convinced that expert flingers might have reached that part.

Q. But at that time there were a great many people among the Yeomanry?

A. Yes; but the Yeomanry would be easily marked, being on horses.

Q. You did not see any of them struck off their horses?

A. No. I was too much engaged in taking care of my own safety.

The WITNESS re-examined by Mr. ASHWORTH.

Q. Now you have been asked, whether a person stationary at a window could see, as much as you saw?

Mr. HARMER—At a window two doors from the Windmill.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Well then. Could a person stationary at a window near the Windmill public-house, have seen as much as you could moving up and down?

A. Yes, certainly.

Q. Quite as much?

A. Yes, certainly. They could not so well, to be sure, see the stones, that were thrown from the Quakers' meeting-house yard; because I was close to it, and was very much alarmed.

Q. You thought there might be some firing?

A. Yes; and I thought I might be in as much danger as any body else.

The WITNESS re-examined by the CORONER.

Q. How soon do you suppose the first stone was thrown from the Quakers' meeting-house yard. Do you suppose it was so soon as the Yeomanry appeared at the hustings?

A. Yes.

Q. Were any of the Yeomanry or other soldiers near you at that time?

A. No; none were nearer to me than those at the hustings.

Q. When the Cavalry were coming into the crowd, did any one precede them into the crowd?

A. I believe the trumpeter preceded.

Q. At what distance was he before them?

A. I don't know really, whether I observed him, at the time, before them, or whether it is the result of general report since.

Q. Did the Cavalry, as soon as they came into the crowd, begin to cut and slash to the right and left as hard as ever they could?

A. They did not.

Q. Are you certain of that?

A. I am certain of that.

[*It is but proper to remark, that such was the intense heat of the room in which the Court was held this day, that Mr. Nadin refused to come into it, until Mr. Ashworth sent a constable for him.*]*

JOSEPH NADIN called in, sworn, and examined by the CORONER.

Q. You are deputy constable of Manchester, I believe?

A. I am.

Q. Were you on the ground by St. Peter's church, on the 16th of August last?

A. I was.

Mr. ASHWORTH (*to the Coroner*)—I must here observe, Sir, that the warrant which the witness executed in the field, on the 16th of August, and which I intended now to have shewn to him, is lost or mislaid. I shall, however, trace it to the hands of Mr. Rutter, who will tell you that every pains have been taken to find it, but ineffectually. I hope it will not be necessary to cite authorities for the purpose of shewing, that where a deed or any other instrument has been mislaid, parole evidence may be given of its contents. Numerous cases occur, which shew that such a course may be pursued. When an indenture of apprenticeship, for instance, cannot be found, the preliminary step is, to shew service under it: that shews the person who served as an apprentice, and then that person is called to shew that the indenture is lost and cannot be found, and then its contents may be proved as an indenture. Nothing is more common where deeds are lost, to pursue this course a *profert* being made to the parties in the Court, where the trial is to be had, that the deed is not forthcoming, or, it may be stated in a declaration, that it is lost or destroyed, in order, in fact, to dispense with the necessity of a *profert*; and so it is with respect to bills of exchange and all instruments, and I never heard any dispute on the subject.

Mr. HARMER—If you will shew that it is lost or destroyed, I shall be satisfied.

Mr. ASHWORTH—I will shew that every search has been made and that it cannot be found.

* "The room in which the Court assembled this morning, was a narrow room about thirty feet in length, and between eight and nine feet in height, a long table being placed through the centre, at the head of which sat the CORONER, while either side was occupied by Mr. Ashworth, and the other gentlemen usually accompanying him. Mr. Harmer, Mr. Denison, and the other gentlemen connected with the proceedings, sat towards the further end of the table. The Jury sat round the upper end of the room, and complained much of the restricted accommodation afforded to them."

Mr. HARMER—Then you can produce a copy of it, you know, if you have any copy.

Mr. ASHWORTH.—I have none.

The CORONER (*to Mr. Harmer*)—Do you contest the existence of a warrant?

Mr. HARMER—No, Sir; but I wish for regularity sake, that the proper and regular course, established by the laws of evidence, should be pursued.

Mr. ASHWORTH—In criminal, as well as civil cases, the course I describe, is continually pursued. This evidence may be received *de bene esse*, and if Mr. Rutter does not come and swear that he has made every diligent search for the original warrant, but cannot find it, Mr. Nadin's evidence upon the subject shall be struck out from your notes, Sir.

Mr. HARMER—Very well.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you receive any warrant on the 16th of August, to be executed against any body?

A. Yes, I did.

Q. Have you that warrant now?

A. I have not.

Q. In whose possession did you last see it?

A. I delivered it to Mr. Rutter with Mr. Serjeant and Mr. Milne.

Q. Have you applied to Mr. Rutter since, to search for it?

A. Yes.

Q. Have you done every thing in your power, and have you used your best endeavours to get it on this occasion?

A. Yes.

Q. Those endeavours have been fruitless, and you have not been enabled to get it, I believe?

A. No, Sir.

Q. By whom was that warrant signed?

A. It was signed by Mr. Hulton and Mr. Wright, and several of them, and Mr. Marriott was one.

Q. Are you quite sure as to Mr. Hulton having signed it?

A. Yes.

Q. Who was it to arrest?

A. Mr. Hunt.

Q. Who else?

A. Mr. Hunt, Moorhouse, Johnson, and Knight.

Mr. HARMER (*to Mr. Ashworth*)—If it will assist you at all, Sir, here is a copy of the warrant. (*Handing to Mr. Ashworth a copy of the warrant, on the face of which the Christian names of the gentlemen whom the original warrant authorised the apprehension of, appeared.*)

Mr. ASHWORTH—I am extremely obliged to you, Sir, but it would perhaps be better to let the witness state the names of the parties against whom the warrant was issued; but, however, I will ask him if this is a copy.

Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. (Putting the document produced by Mr. Harmer into the hands of the witness)—Is that like the original warrant?

A. It appears to be like it, but I don't recollect that there were any Christian names of all of them in the warrant.

Q. What did you do when you received it? Did you receive it from the hands of the Magistrates?

A. Yes.

Q. What was said by you accompanying the receipt of it?

A. I said it would be out of my power to execute that warrant without the assistance of the military?

Q. What made you say that?

A. From the body of people that was there, and from the instruments that they had in their hands, and also between the line of special constables and the hustings they were linked together.

Q. Between the house where the Magistrates were and the hustings, do you mean?

A. Yes.

Q. What do you mean by the word linked?

A. Their arms linked in each other a great many deep.

Q. What were the instruments that they had?

A. Some had sticks, and some were very large sticks. One man had an iron palisade—a bar of iron which appeared to be part of an iron palisade.

Q. Had you, from your own observation, ascertained that they were linked together as you have described?

A. Yes, I had.

Q. Had you also from your own observation ascertained, that they were possessed of this kind of instruments?

A. I saw them coming in with them, and I believed they all had them upon them. Those that were linked together had their backs to me, and therefore I could not see, but one of them I saw with this iron palisade.

Q. Did you believe, when you received this warrant from the Magistrates, that it was possible for the civil power to execute it?

A. I believed it was not possible.

Q. Did you yourself, in consequence of that, convey from the Magistrates, or did you send to convey, any orders from the Magistrates, to any military body?

A. No; but I told Mr. Andrew, that it would be necessary.

Q. Mr. Andrew. That is the constable of the town?

A. Yes; Mr. Andrew is the constable of the town.

Q. Did any order that you know of, come from the Magistrates to be conveyed to any body of military?

A. Mr. Andrew brought two letters, and ordered two constables to go with them.

Q. Did he bring them out of the house in which the Magistrates were?

A. I thought he did, but I am not certain. I saw him give a letter to one of the mounted constables. It was either a let-

ter or a card. There were two. He gave one to one mounted constable, and another to another.

Q. Did you hear him deliver any message with either of them?

A. No, I did not.

Q. How long after these had been delivered to the constables was it, that any body of military appeared on the ground?

A. A very few minutes.

Q. Did you hear them say where they took them to?

A. No.

Q. What military was it that came on the ground?

A. They were a part of the Manchester Cavalry.

Q. Did they move?

A. They came up to the side of the door-way of the house where the Magistrates were.

Q. Did you see or hear any further orders given to them?

A. Yes; orders were given, I believe, by Captain Birley, and then they moved forward; but before that, I drew the special constables to the place where the Magistrates were, as far as I could get them; but there were some who had proceeded too far.

Q. But all you could get, you got into the front of the house where the Magistrates were?

A. Yes.

Q. What then?

A. When I got the constables back, there was a stone came to that part where the constables were. That was before the Yeomanry mixed at all; and it came from further up, towards the hustings, but I saw it light.

Q. Did you see Captain Birley in that situation, after you had drawn back the special constables to the front of the house, where the Magistrates were, receive any orders before the Manchester Cavalry moved forward?

A. Yes; there were orders given. I asked Captain Birley to stop until the 15th Hussars came up.

The CORONER—Do you mean to say you heard any orders given to Captain Birley?

A. No; I asked Captain Birley to stop until the 15th Hussars came on the ground.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Well, go on, Sir?

A. Somebody spoke, and the Yeomanry went down where the constables had been. Somebody spoke as soon as I had drawn the special constables back, and then the Yeomanry went down.

Q. Who was it spoke? Captain Birley?

A. There were other officers, I believe; but I do not know who spoke. Somebody, however, spoke, and they went down immediately.

Q. After somebody then had spoken, they went down immediately?

A. Yes.

Q. Did any of the civil power accompany them?

A. I don't know; I followed them.

Q. Whether any constables preceded them, or went before them, you don't know?

A. I think there were not. I think we were drawn up as far as we could be to the house side.

Q. For what purpose did you follow them?

A. I followed them to execute the warrant.

Q. Had you any number of constables with you?

A. Why, I followed the Yeomanry, and I had the warrant. I went forward with three or four who filed off to the right in front of the hustings, and I thought that Moore and Clayton, and Andrew, who were there, would have orders to follow me.

Q. Did you understand the Manchester Yeomanry, when they moved, to be assisting you in the execution of the warrant?

A. I understood so; or I would not have executed the warrant.

Q. Did you follow them all along up to the hustings?

A. I followed them all the way up, and then some filed off to the right, and I went through them to the front of the hustings.

Q. Did you observe that the Yeomanry, in going up to the hustings, struck any body with their swords?

A. No, they did not.

Q. Either with the flat side, or with the sharp side?

A. In no way.

Q. When you got up to the hustings, who executed the warrant?

A. I executed the warrant.

Q. Against all the parties?

A. No; Knight and Moorhouse were not then present; but I executed it upon the others. I pulled Johnson off the hustings by the legs; and then as I put up my arm, I received a severe blow upon it, either with a stone or a brick; I don't know which. I then took Hunt.

Q. Had you seen Moorhouse?

A. I saw him in the carriage.

Q. I ask you again, was there a possibility—for I won't go to probabilities) of executing the warrant without employing the military?

A. No, it was impossible, if even we had ten times the number of constables that we had.

Q. If you had ten times the number of constables that you had, you say you think it would have been impossible to have executed the warrant without the assistance of the military?

A. Yes, and that is my opinion.

Q. In fact, you had so reported to the Magistrates?

A. Yes, I had.

Q. Was that opinion formed from your own observation, or what you had remarked at the time?

A. Yes.

The WITNESS cross-examined by Mr. HARMER.

Q. What arrangement had been previously made, to your knowledge, between the civil and the military powers, for the dispersion of this meeting?

A. Before I answer any of your questions, I should be glad to know what's your authority to cross-examine me?

Q. Then, Sir, the Coroner has authorized me to cross-examine any witnesses that come here?

A. Before I answer your questions, I should like to know who employs you. Are you employed by the father, or by who? or by these Reformers?

Q. Ask the Coroner, Sir, if you please.

Mr. ASHWORTH (*to the Coroner*)—Have you, Sir, received such a satisfactory explanation, of Mr. Harmer's appearing here, that you authorize his cross-examining the witnesses?

The CORONER—No; I have not, certainly.

Mr. HARMER—Then, Mr. Coroner, I will put in this letter (*producing a letter*), which will fully explain my authority for appearing here.

The CORONER—Is it the same letter that you produced before?

Mr. HARMER—No, Sir; it is a fresh one.

The CORONER—Then it has been obtained since the former one?

Mr. HARMER—It has not been *obtained* at all, Sir; but it has been sent to us. I also beg leave to produce another document (*producing a paper*) containing the signatures of upwards of one thousand persons, inhabitants and householders of Oldham, desiring my friend's, Mr. Denison, and my own interference in this business. I beg first that the letter from the father of the deceased, may be read. I suppose the signature will not be disputed; because if it be, I am prepared to prove it.

Mr. ASHWORTH—I don't know any thing about it. I don't dispute the signature.

The CORONER (*to Mr. Ashworth*)—Do you wish it to be read?

Mr. ASHWORTH—No, Sir, I don't wish it to be read.

Mr. HARMER—I beg it may be read, Sir, as it contains the authority of the person who employs us, to continue our exertions, which has been disputed.

The letter was now read as follows:

“Addressed to Messrs. HARMER and DENISON.”

“Gentlemen,

“Accept my best thanks for your past exertions on my behalf,
 “on the present inquest; in consequence of last night's occurrences* I have *again* to request that you will use every diligence,
 “as my professional friends in the future proceedings before the
 “inquest; and as the business is in your hands, I wish you still to
 “conduct it. I feel confident that my son JOHN died in consequence of the wounds and bruises he received on the 16th
 “of August last, at Manchester, and I shall rely on your endeavours to bring the delinquent or delinquents to justice.

“I remain, Gentlemen,

“Your's most respectfully,

“ROBERT LEES.”

* Alluding to the grave of the deceased being opened for the Coroner's view of the body.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Now, perhaps, Sir, you will condescend to give me one or two answers to the questions I put to you. I repeat my first question. What arrangement, to your knowledge, had been made between the civil and the military power, for the dispersion of this meeting?

A. Not any that I know of.

Q. Do you mean to say that none had been made?

A. Not to my knowledge.

Q. Did you not hear from some members of the Manchester Yeomanry, or from some of the Magistrates, that there had been an arrangement between the civil and the military powers to disperse this meeting?

A. No, I did not.

Q. You never heard it from either?

A. No.

The CORONER—You never heard before that time, of any such arrangement?

A. No.

Mr. HARMER (*to the Coroner*)—Or subsequently either, Sir? But he says he did not hear of any at any time.

A. No.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Did you not know that the Manchester Yeomanry were to disperse the people by the edge of the sword?

A. No.

Q. Will you tell me then why, as soon as the Yeomanry made their appearance, you drew your constables behind them?

A. Of course I thought they had come to assist me.

Q. Why did you draw your constables behind them?

A. Why that there might be room for them to go down.

Q. Very good. Do you not know that it is the duty of the civil power to precede the military, even in cases of the greatest danger?

A. I should be very sorry to precede it in such a case as this.

Q. That is not an answer to my question, and you know it, Mr. Nadin. Do you not know that it is the duty of a civil officer to try to execute any warrant he may have to execute, in such a case as this, before he calls in the aid of the military?

A. If he can; but I could not.

Q. Did you try, upon your oath?

A. I did, Sir; and I was certain I could not execute the process.

Q. Have you not just now said that the military went first, and that you followed them?

A. Yes.

Q. How was it then that you tried to execute the process?

A. I went down before the military went.

[Here some persons laughed at the lower end of the room; upon which the Coroner ordered that part of the room to be cleared.]

Q. Was there not any warrant in the hands of Captain Birley?

A. He had never seen it. Very likely, indeed, that he would have the warrant! There was nobody had the warrant but me. Not even the boroughreeve, nor the constable. Nobody had the warrant but me.

Q. Throughout?

A. Throughout, yes.

Q. Did you not hear Captain Birley tell Mr. Hunt that he had a warrant to execute against him?

A. I never did hear any thing of the sort, Sir.

Q. Nor any thing of the sort?

A. No.

Q. Will you tell me, Sir, how you tried to execute the warrant?

A. I went down after the special constables were drawn back, to see how they were standing; and I saw them linked together, and I heard a remark from the hustings, something about keeping their enemies down.

Q. Then it was after you drew back your men, that you attempted to execute the warrant?

A. I went down several times, while the constables were there, to keep them, as far as we could go, until I saw the people linked so.

Q. What did you mean by saying before that, after drawing your men back, you then went to try to execute the warrant?

A. I went down to try if they were in the same state.

Q. How long had you the warrant in your possession?

A. Not long before I executed it.

Q. At what moment and by whom was it given to you?

A. Very few minutes before it was executed.

Q. By whom was it given to you?

A. By Mr. Hulton, I believe. I think it was, but I am not certain.

Q. Where were the military then?—the Yeomanry, I should say?

A. I did not see them then. They had not come upon the ground then.

Q. Was the warrant delivered to you near Mr. Buxton's house?

A. It was delivered in the house—in the room.

Q. You came out and dispatched the mounted constables for the military?

A. No, I did not dispatch them; they were mounted before, and I believe Andrew gave them the letters or cards, but whether they went to fetch the military or not, I do not know.

Q. Was that before or after you got the warrant?

A. After, I believe.

Q. Endeavour to recollect.

A. I believe it was after I received the warrant, I think.

Q. Be a little accurate. Will you swear it was after you received the warrant?

A. I should swear that way sooner than the other.

Q. You may have your choice, Sir; and swear which way you please, only let us know which way you will swear.

A. I believe it was after I got the warrant; but I cannot be certain.

Q. Then it was at your suggestion, that the military were to come?

A. I said I could not execute the warrant without the assistance of the military, because I had a specimen of it before.

Q. You walked up as far as where you say the links were?

A. I walked up as far as the constables had been.

Q. Had you not walked up and down there for a considerable time?

A. I walked up and down there many times.

Q. Had any person struck you, or attempted to strike you?

A. No.

Q. Now, many men are obnoxious, and what I am going to ask you, I do not mean as any improper reflexion; but do you think there is any person more obnoxious to Reformers than you are.

A. I dare say, there is not.

Q. And yet you walked up and down the midst of them, without receiving any violence?

A. Yes.

Q. Up to the moment that you had the warrant?

A. Yes; I went backwards and forwards.

Q. You say the Manchester Yeomanry *moved* forward. I should like to know what you call "moving." At what pace did they go?

A. Why, pretty quick.

Q. You cleared the way for them?

A. I drew the constables back.

Q. When they came, a great many people ran away?

A. Yes, some did.

Q. And you, to make room for them, also drew back your party of special constables?

A. Yes.

Q. Did they go in slowly, pray?

A. I do not know whether they trotted or cantered, I am sure.

Q. But they went at a very quick pace?

A. I was as quick up as they were.

Q. They happened to be stopped, you know; but do you mean to say, that you kept close to them all the time.

A. No; but I was up at the hustings as soon as they were.

Q. The most of them went to the back of the hustings, and others, you said, filed off to your right.

A. Yes.

Q. Nobody was trodden down?

A. I never saw one.

Q. Of course, not. And there was not a single sword uplifted?

A. Not a sword, that I saw.

Q. Of course, there was no person either cut or struck?

A. No.

Q. And such things could not have happened, without your observation?

A. It might have done that though.

Q. Now, as to this massy piece of iron; pray, is that forthcoming?

A. I believe it was the same that was afterwards found upon the ground.

Q. Then it is forthcoming?

A. I believe it is.

Q. In whose possession is it?

A. It was brought down to the office.

Q. But who found it?

A. I do not know. It is easy to be got at.

Q. Were not many of the iron palisades forced down by the pressure of the people?

A. Where?

Q. Why, in that neighbourhood?

A. No.

Q. No post was forced down?

A. No.

Q. No area or railing was forced down?

A. No; nor did it appear to be the pattern of any palisades that I had seen in Manchester.—Dear me, (*wiping his face with a pocket handkerchief*) if this heat continues I must go out, for I can not stay here.

Mr. ASHWORTH (*to the Witness*)—Will you take a glass of wine, Mr. Nadin? You seem rather unwell.

A. No; I had rather not, I thank you.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. Throughout the whole day, you did not see any persons cut or knocked down?

A. No; my business was to apprehend the prisoners. I apprehended HUNT and JOHNSON, and escorted them to the New Bailey, and I did not see any thing more of the ground.

Q. Now, with respect to Mr. Hunt, nobody struck him while he was in your custody?

A. No. A man struck at him, I believe, and hit me over the head.

Q. I heard something very humane of you—I heard that somebody struck him, and you said, “Nobody shall hurt him, he is now my prisoner?”—Is that so?

A. Yes; I did say so.

Q. Were not the Yeomanry cutting at the people at that time?

A. No, never. Most positively I did not see any.

Q. I ask you again. Did not a special constable strike Mr. Hunt?

A. Somebody struck him with something; but whether he was

a special constable or not, I don't know; but I say, what Mr. Hunt himself would say if he was asked, that I said to the person, if he attempted to do it again, I would take him into custody.

Q. Do you mean to say, that none of the Manchester Yeomanry cut at the people upon the hustings, and at the flags?

A. Upon my soul, I did not see any body do it.

Q. You did not, upon your soul! But I ask you upon your oath, Sir?

A. I can't tell, because I had two men to take care of; and if you had had two men to take care of, you would have had enough to do, without looking to other things. Besides, I was looking after Knight.

Q. You do not mean to say, that such a thing did not occur?

A. No, I do not. I seized the green flag, when I had Mr. HUNT in custody.

Mr. ASHWORTH (*to Mr. Harmer*)—I trust, Sir, you will pause for a moment, that the lower part of the room may be cleared, with the Coroner's permission; for it is intolerably hot—(*to Mr. Nadin*) Will you be good enough to clear that part of the room?

The CORONER—Aye do; for it is so hot, I can't bear it.

Mr. NADIN (*with a tremendous voice*)—Is there any constable there?

A VOICE (*in the lower part of the room*)—Yes.

Mr. NADIN (*in the same tone*)—Then clear the room.

[*Here several constables began to remove the people, from the further end of the room, with some force.*]

Mr. HARMER—As this is an open Court, Mr. Coroner, I should hope no violence will be used towards the people.

[*Here a window having been opened, and part of the crowd removed from the further end of the room, the proceedings were resumed.*]

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. The only body you went up with, was the Manchester Yeomanry?

A. Yes, but I thought the Constables would follow of course, as they were in the rear.

Q. You knew nothing of any arrangement, with respect to the military, nor that they were to be there?

A. No; certainly not, until I saw them there. I had mentioned that I could not execute the warrant.

Q. You did not know the contents of the cards or notes, that were given to these mounted constables?

A. No, I did not.

Q. Then will you be good enough to tell us how it happened, that you knew the 15th Hussars were coming, and you desired Captain Birley to wait until they arrived?

A. (*after a pause*)—Well, I can't tell that—but I had heard about the door, that there was another squadron somewhere at the back of St. Peter's Church, and therefore I concluded they were there.

Q. How should you happen to know that it was the 15th Hussars?

A. I heard it was the 15th Hussars.

Q. Now, on the day before the 15th of August, had you not some conversation with somebody about the Meeting that was to take place the next day?

A. Some conversation?

Q. Yes; idle conversation, I dare say?

A. I don't think it is fair, to ask me any conversations I might have had.

Q. Yes, it is; and I will remind you what it was. Did you not say, that "if the Reformers did not make a row, still there must be one the next day?"

A. No.

Q. Did you say any thing like it?

A. No.

The CORONER—When, and where?

Mr. HARMER—Any where?

A. Not any where.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. No such expressions were ever made use of by you?

A. No, not to my knowledge.

Q. But stop, Sir. I will not have it in this loose way. Will you swear you did not use those words?

A. I am confident I never did.

Q. Then you will swear you did not?

A. Yes.

The WITNESS re-examined by Mr. ASHWORTH.*

Q. I understand, Sir, that you have been, in fact, asked the law of this case, and whether you did not know it was the duty of the civil power to precede the military. Do you, in fact, know any thing about the law?

A. No, not upon that, I don't.

Q. Do you know any thing of the law of the case at all?

A. No.

Q. But could the civil power, (for they are not obliged to do impossibilities) with safety, execute that warrant at the hustings, by themselves?

A. It was impossible.

Mr. HARMER—I never asked him the law upon the subject, and moreover, he never tried the experiment, whether he could execute the warrant or not, without the military.

Mr. ASHWORTH—If you did not ask him whether he knew it was the law; you asked him whether he did not know that it was his duty to precede the military.

* The learned Counsel had been out of the room.

Mr. BARROW—Yes, you asked him whether he did not know that it was his duty.

Mr. HARMER—Well, duty; but that is perfectly immaterial.

The cross-examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Then it was utterly impossible to make a way up to the hustings, without a military body?

A. It was not possible.

Q. When they got up to the hustings, did the military open, to enable you to go and execute the warrant?

A. I went round to the back at first, and three or four went into the front, and then I slipped into the front.

Q. Now you were asked, if when you were walking up and down between the special constables, you were molested. Is there no difference between walking up and down in that way, and attempting to seize any body under a warrant?

A. A little, I should think.

Q. Did you think, if you made the attempt, that you would be molested?

Mr. HARMER—This is all new matter.

The CORONER—No, it is not. You asked him about walking up and down, and this arises out of it.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. From the position of the people, and their conduct, in linking together, do you imagine, that if you had attempted to execute the warrant, with only the assistance of constables, they would have molested you?

A. I believe they would. And I had had a good specimen, a very few days before.

Q. I think you have stated, at least I am informed you did, while I was out of the room, that you frequently went down between the constables, to see if the people were in the same way?

A. I had gone down two or three times. Before I had the warrant, I went down there backwards and forwards two or three times.

Q. And you heard something?

A. Yes; I did hear mention made of something about linking together, and something about keeping down their enemies. That was some time before I got the warrant.

Q. Now about this palisade; you say you saw it in some man's hand?

A. Yes; and it was a general conversation among the constables, that it was a very dangerous weapon. This was before they were all come to the Meeting.

Q. Did you see any thing of an iron palisade, similar to that afterwards found on the field, in the hands of any body?

A. Yes.

Q. In the hands of what body was it?

A. It was in the hands of one of the people, that I conceived to be Reformers. He appeared to have come away a short distance from the body. And there was another man, who had a kind of dagger in his hand, which appeared to have been in a stick, but the stick must have been broke and lost away from it.

Q. Was the piece of iron palisade, which you found on the ground, similar to that which you saw in the hands of this man?

A. I did not find it upon the ground.

Q. But did you afterwards see it?

A. Yes.

Q. Was it of the same size and description as the piece of palisade which you had seen in the hands of this person whom you have mentioned?

A. Yes; and it does not appear to be any pattern of any palisade in the town of Manchester.

The WITNESS examined by the CORONER.

Q. At what distance from the hustings, was this linking together of arms?

A. I should think it might be about ten yards from the hustings but I do not exactly know the distance.

Q. Was it on the side of the stage next Mount-street?

A. Next the house where the magistrates were.

Q. Did any one of the Yeomanry Corps precede the main body, when they went up to the hustings?

A. Do you mean a constable?

Q. No, any one of the corps themselves?

A. I think Captain Birley was first; or whether that trumpeter went first, or not, I don't know: I think Captain Birley was first; but I cannot be certain, whether he was, or was not.

Q. Before you went into the crowd, had there been any exhortation, by any peace officer, or by any body else, requesting the crowd to disperse?

A. I have heard that the Riot Act had been read, but I did not hear it. My purpose, in going to the hustings, was only to execute the warrant.

Q. As they approached the hustings, were any stones thrown at the soldiers before they arrived at the hustings?

A. I did not know of any but one, that hit me while I was pulling Johnson off; but there was such confusion, that I did not look about. I was engaged with Mr. Hunt, and pulling Johnson off.

Q. Did you hear any fire arms discharged?

A. No; I did not.

Q. I think you told us before, you did not see a single wound given?

A.—No; none at all.

Q. How long had you Mr. Hunt and Mr. Johnson at the magistrates, before you took them down to the New Bailey ?

A. We had them there until we got an escort.

Q. How long was that first ?

A. A quarter of an hour, at most.

Q. Was the ground clear, then ?

A. There was a great deal of people on the ground ; but as I had Mr. Hunt and another man to take care of, I did not take particular notice. There was a good deal of military on the ground then, more than I had seen before.

Q. Before you took Mr. Hunt to the house in which the magistrates were, were there any other soldiers on the ground than the Manchester Yeomanry Cavalry ?

A. Yes ; I saw both the Hussars, and some of the Cheshire Yeomanry.

Q. Were there any of the Hussars, or the Cheshire Yeomanry Cavalry, up at the hustings when you were taking Mr. Hunt ?

A. I never saw them. I saw one of the Hussars when I had come a little way from the hustings.

Q. How far might you be from the hustings, then ?

A. I should think about the same part where their arms were clasped together ; and I had a green flag, and I carried it to that place, and there Major Trafford took it from me.

[Here the witness retired, and in quitting the court, with the assistance of his constables, he forced many auditors from the further end of the room, with the most brutal violence.]

Mr. HARMER—Mr. Nadin, you ought not to use such violence ; and I do not know what business you have to turn any one out who is not misbehaving.

WILLIAM BOOTH called in by Mr. ASHWORTH ; sworn by the CORONER.

Mr. HARMER (to the Witness)—You have been in the room, Mr. Booth.

Mr. ASHWORTH—He only just came to me, to speak a few words,

The WITNESS examined by Mr. ASHWORTH.

Q. What are you ?

A. I am a constable, attached to the police.

Q. Were you on the ground, near St. Peter's-street, on the 16th of August last ?

A. I was.

[Here a paper was put into the hands of the learned Counsel, which purported to be a declaration of a large portion of the inhabitants of Manchester, renouncing any employment given to the learned Counsel to appear in their behalf, in consequence of his having declared that

he was employed by "the town of Manchester;" and declaring that they would not suffer his fees to be paid out of their poor rates.]

Mr. ASHWORTH—Now, Sir, here is a paper which has been put into my hands, which I understand is now being carried about the town for the purpose of obtaining signatures to it. I know of nobody, Sir, who represents this town but the boroughreeve and constables, and by them I am employed. As to fees, they won't come out of the poor's rates, I dare say. Whether I am paid or not, I would attend to my public duty; but certainly I expect to be paid. A case of this kind, I certainly would never attend gratuitously: but as for the poor's rates, Sir, I am sure my fees will never come out of them. There is plenty of opulence in Manchester, I dare say, by which my fees will be paid, without resorting to the poor's rates. But this paper, Sir, is a part of the foul confederacy that exists in this case. It is like all the rest of the things. God knows! a great number in Manchester wish such papers to be produced, in order that they may see, by the signatures to them, who are, and who are not, interested in the welfare of the town.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Do you say that you were attached to the police of this town, on the 16th of August last?

A. Yes.

Q. And you say you were upon the ground?

A. Yes.

Q. Did you see the Manchester Yeomanry Cavalry up at the hustings?

A. I did not.

Q. Did you see them when they were going up to the hustings?

A. I saw them at the back part of the houses where the magistrates were.

Q. During the time you were on the ground, and during the time they formed there, did you observe any thing come towards them?

A. Yes; there was a brick came.

Mr. HARMER—I object to this, Mr. Coroner; because I understood you to lay it down, that any thing which took place not about the hustings, was not evidence.

The CORONER—I think this is evidence.

Mr. HARMER—Very well, Sir; I thought it right to object to it, even on your own principle—that nothing was to be given in evidence which did not occur on the ground.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Were you, or was any body else, hit?

A. Yes; I was hit, just at the back of the houses.

Q. Was that when the Yeomanry were in front of the houses, or when?

A. It was when they were just coming up to make the charge on the ground.

Q. It was, in fact, when they got up to the hustings?

A. No; it was when they were coming up to make the charge.

Mr. HARMER—I object to this, Mr. Coroner, because I understood you laid it down—that nothing which was done anterior to, or subsequent to the wounding of John Lees, was evidence.

The CORONER—This is very different.

Mr. HARMER—I was told, Sir, that I must confine my evidence to the field, and that I was to give evidence of nothing that happened elsewhere. I understand, that what this witness is now alluding to, was behind the houses.—(to the Witness)—Point out, on the plan, where it was.

[Here the witness examined the plan.]

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Was it here, in Mount-street?

A. I stood opposite the houses where the magistrates were. That was before the Yeomanry came up. I was then in the street opposite the door of the house where the magistrates were.

Q. But where was it that you were hit?

A. When I was going away, and at the back part of the houses. There was a report came from the office, that there was an attack made there, and as I was going down at the back part of the houses, I was knocked down.

Q. Were there any people assembled at the place where you were knocked down?

A. There were.

Q. Many?

A. A great many; and it was hard work to get through them.

Q. Whereabouts was this?

A. At the back part of the houses.

The CORONER—It was at the back part of the houses, was it?

A. I was coming by this corner—(pointing out a spot on the plan.)

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. The way the Yeomanry came in.

A. I don't know which way they came in.

Q. Was it at the turn of the corner that you were knocked down?

A. There was a sort of a hollow place there, where they are going to build houses, and as I was going through that kind of valley, the expression they made use of, was,—“There's one of them;” and I was immediately struck with a stick, on the back of the head, and down I went.

Q. Was any thing else thrown while you were down?

A. No. I got up, and went a little way; and I had not got above a hundred yards, when a stone was thrown, and hit me at the back of my head, and brought me again to the ground.

Q. That was very near St. Peter's-field?

A. Yes.

Q. Did any thing else happen?

A. Some gentleman was so kind as to help me up, and I went down to the corner of Redcross-street, leading down to our office.

Q. How far is that from the ground?

A. It is two or three hundred yards from the ground.

The CORONER—Then that is not evidence.

Mr. ASHWORTH—I should submit, Sir, that where there is one continuing attack upon a person, as in this case, though the persecution of the man is carried on to a distance from the ground, still it is part of the same confederacy, and is evidence.

Mr. HARMER—I certainly should agree with the learned Gentleman in that law; and which, indeed, I laid down to be law, the other day. But when I attempted to prove that the Manchester Yeomanry had followed particular individuals, and had *persecuted* them to a considerable distance from the field, I was told, that the act of one, was not to be considered as the act of all; and that I could not give evidence of facts which did not take place in the immediate vicinity of the hustings.

Mr. ASHWORTH—That is not at all applicable to this. There is one particular individual, upon whom an attack is made; and that attack is continued until he gets as far as he has just described. All that attack, being one and the same transaction, is evidence.

Mr. HARMER—I also produced individuals who were attacked by the Yeomanry, in a similar manner.

Mr. ASHWORTH—That was quite different. If you had proved that John Lees, or any other individual, was attacked near the hustings, and that the same persons who attacked him there, followed him, then that might be evidence; but you have not proved that it was the same persons.

Mr. HARMER—I beg you pardon. I proved it was the Manchester Yeomanry. And can this man prove, that the persons who attacked him at this immense distance from the field, had attacked him on the field?

The CORONER—This goes for nothing, but to shew the character of the Meeting.

Mr. HARMER—Well, Sir, and the witnesses, whose testimony you refused to receive, were to prove the character of the attack on the Meeting. I first proved an attack was made, by a certain body of armed persons, who were the Manchester Yeomanry; and then I proved, or at least was prepared to prove, that they followed the people in every direction, in pursuance of the same object—the violent dispersion of the Meeting.

Mr. ASHWORTH—Now, let me just mention what those cases are, to which the gentleman alludes. If he produced evidence in fact, of

an individual being attacked by some persons on the ground, and that that individual, when going off the ground, was pursued and attacked in the streets by the same persons who attacked him on the ground, that would be one and the same thing; and I should not say, that that was not perfectly legal evidence. But the learned Gentleman proves, that some person was cut on, or near, the hustings; by whom, he did not prove. That individual is not at all connected by any evidence with any person who was pursued, or cut, in the streets. That is quite distinct; but here, this is the same individual, which makes the case different, and totally distinct. If any Yeomanry Cavalry man had attacked a person on the field, and had followed him through the streets to the Infirmary gates, I say, that would be a continuation of the same attack, and might be given in evidence. But in no one instance has the gentleman proved any continuation of an attack upon an individual from the field, in this way.

The CORONER—I don't see what this goes to, more than setting forth the disposition of the Meeting. It has nothing to do with the death of John Lees.

Mr. ASHWORTH (*to the Witness*)—Now, was this attack upon you first with a stick, then when you were struck down with a stone, and afterwards, when you were attacked at the corner of Redcross-street, all a continuation of one, and the same attack?

A. Yes.

Mr. HARMER—I beg again, Sir, to object to this evidence, upon the same principle, on which you ruled against me.

Mr. ASHWORTH—Mr. Coroner, I would not produce this, unless it was strictly evidence. If the attacks upon this man were totally unconnected together, then it might not be evidence; but here, it is all one. It is continued from the first to the second, and from the second to the third.

Mr. HARMER—Well, we had better get the facts, before we argue upon them.

The examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Well, go on. What happened when you got to the corner of Redcross-street?

A. When I came down near Redcross-street, they were coming up there, and I had hard work to pass along the street, the place was so full and so crowded. When I came to the corner of Redcross-street, there was a great crowd there, and they made a sort of hiss; and there were two or three men that pointed out me, that knew me. At least I supposed they knew me. I was then knocked down.

Q. What with?

A. With a stick.

Q. Was the stick thrown?

A. I was hit on the back of the head.

Q. Then it was not thrown?

A. No; I was hit with it at the back of the head.

Q. Were you assisted up there, by any body?

A. No.

Q. Were there many people there?

A. Yes, great crowds.

Q. You got up by yourself, then?

A. Yes.

A. Were you hurt?

A. Yes.

Q. Much?

A. I was dizzy with being knocked down, but I was not confined at home with it. Of course I was hurt, so that I fell down with the blows each time.

Q. Was this, as far as you observed, before any body of military came upon the ground?

A. Yes, it was.

Q. Did you mention it to any body?

A. Yes; I told it in the office, how I had been used as I came along, and I have mentioned it several times since.

Q. You have mentioned it several times since, and you mentioned it at the office, then?

A. Yes.

The WITNESS cross-examined by Mr. HARMER.

Q. At what hour was all this?

A. It was about twelve or one o'clock. I was sent away soon after Mr. Hunt came.

Q. Then it was after Mr. Hunt had arrived?

A. Yes.

Q. And after all the country Reformers had got compactly round the hustings?

A. A great many of them were not.

Q. Was there any body of the country Reformers close to the hustings, that were not compact.

A. I met a great many as I went along.

Q. How long had Mr. Hunt been upon the hustings before you went away?

A. I am not sure. Not above two or three minutes. Not more than five minutes. I think not above two minutes, but certainly not five minutes.

Q. You had to pass through great crowds of people?

A. I had.

Q. By yourself?

A. Yes.

Q. How long had you been on the field?

A. I had been there perhaps half an hour.

Q. Had not the Stockport people arrived, before you quitted?

A. I believe they had.

Q. Had not the Royton people arrived?

A. I believe they had.

Q. And the cavalcade with Mr. Hunt?

A. Yes; and in about two minutes I went away.

Q. Who sent you away?

A. Mr. Nadin himself sent me away.

Q. Will you say it was any one of the Reformers, from the country that attacked you in this way?

A. I don't think any one else would use me in that way.

Q. And this attack lasted all the way to Redcross-street?

A. Yes.

Q. The Reformers were in different bodies?

A. In large bodies.

Q. In different bodies?

Mr. ASHWORTH—He said "large bodies," Mr. Harmer.

Mr. HARMER—Very well, Sir. I have not erred; I am not affecting to repeat the answer of the witness, but echoing my own question.

The cross-examination of the WITNESS resumed by Mr. HARMER.

Q. You were three times knocked down?

A. Yes.

Q. And it was with difficulty that you could make your way through them?

A. Yes.

Q. But when you were knocked down, they permitted you to get up again?

A. Some gentleman picked me up, the first time?

Q. But you passed on through them, then, for some distance, without receiving any injuries.

A. I had not gone far before I was knocked down again. Before I got to Mosley-street, I was knocked down again.

Q. Pray, were you under the hands of any surgeon, in consequence of these dreadful injuries?

A. I don't know much of that.

Q. Were you so severely hurt, that you were obliged to go to a doctor?

A. I can't say about that.

Q. Don't you know whether you went to a surgeon?

A. No, I did not.

Mr. ASHWORTH—If the police officers of this town were to go to a surgeon every time they get a scratch, they would be poor police officers.

Mr. HARMER—They send a good many to the surgeons, however, if they do not go themselves.

Cross-examination of the WITNESS resumed by Mr. HARMER.

Q. You stated that you had not been in this room before, except

to make a communication to Mr. Ashworth. Were you not in the room after that?

A. I only came in just to turn two or three people out.

Q. Have you not been standing at the door all day?

A. Yes.

The WITNESS re-examined by Mr. ASHWORTH.

Q. But though you have been at the door, don't you mean outside the door?

A. Yes; outside the door.

JAMES PLATT called in by Mr. ASHWORTH; sworn by the CORONER.

The CORONER—What are you?

A. A Constable of Manchester.

The WITNESS examined by Mr. ASHWORTH.

Q. Did you examine the ground before the Meeting?

A. I did.

Q. Was there any quantity of sticks and stones upon it, before the Meeting?

A. I saw none.

Q. Did you examine it for the purpose of seeing whether it was clear from every species of weapon?

A. I did.

Q. What time did you examine it before the Meeting?

A. I examined it about 10 o'clock, in the forenoon.

Q. Did you examine it after the Meeting was over?

A. I did.

Q. When you saw it in the morning, was it cleared; or do you say that you saw none?

A. I saw none.

Q. And after the Meeting was over, you say you examined it again?

A. I did; but not with an intent to such a thing.

Q. What did you go there for?

A. I was ordered to go there from the New Bailey. I had been there with Mr. Hunt, and I was ordered to go back to apprehend Moorehouse, if I could find him.

Q. Was the ground then cleared of people?

A. It was.

Q. Did you find any sticks or stones there, then?

A. To the best of my opinion, many hundreds lay on the ground.

Q. Hundreds of what?

A. Stones, brick-bats, and sticks.

Q. About what time was that?

A. From two to three o'clock, in the afternoon.

Q. Were they gathered from the ground ?

A. Not then.

Q. Were they afterwards ?

A. Yes.

Q. Were you concerned in gathering them up ?

A. I was not.

Q. Did you see any iron palisade there ?

A. No.

The WITNESS cross-examined by Mr. HARMER:

Q. Did you not see bonnets, caps, coat-laps, hats and shoes, distributed about, in all directions ?

A. I did not, to my knowledge.

Q. Your knowledge ?—You say that there were hundreds of sticks and stones : I ask you if there were not also numbers of the other things I have described—pieces of the dress of people ?

A. If you will give me liberty, I will answer. I was sent, as I said before, from the New Bailey, to apprehend Moorehouse, if I could ; and I went that road imagining I might meet him.

Q. Did you apprehend him ?

A. I did not ; but I saw these sticks and stones, and I remarked a quantity particularly under a new building, which I understand is a Quaker's school.

Q. You say you noticed a great many under this new building.

A. Yes ; I saw more there, than upon the field, though there was an immense number on the field, and they lay in great quantities under the wall ; and, as I had been directed, I went to the White Bear in Piccadilly, and I thought it would not be much round to go in that direction ; so I came round in that direction, and I was three hours and a half trying to apprehend him.

Q. Your eyes seem only to have seen the sticks and stones ; now, I ask you, upon your oath, did you cross the ground ?

A. I crossed it in the regular direction.

Q. Then, were there not shoes, and various pieces of garments on the ground.

A. I did not see them.

Q. Will you swear there were not such things on the ground ?

A. No ; I will not swear there were not.

The CORONER—Well, we will now adjourn until to-morrow morning, at ten o'clock.

Mr. BARROW—Oh ! Mr. Harmer, Mr. Harmer, you shall take your witnesses to-morrow.

Mr. ASHWORTH—Now, Mr. Coroner, with respect to the character of the Meeting, I have only produced the evidence I have produced, to put it upon your notes, in answer to the evidence that has been produced by Mr. Harmer upon that subject. I have only produced four witnesses, with respect to the character of the Meeting, with the exception of Nadin, whom I produced, in fact, for the pur-

pose of shewing the warrant, and Booth, who said certainly a few words on the subject; but though there were more witnesses produced on that subject, on the other side, they have been so satisfactorily answered by those I have called, that it is not necessary scarcely for me to call any more. It is certainly perfectly illegal evidence in this inquiry, but as it has been received, it was only justice that my evidence, which proves the Meeting to have been of a contrary description, should be received. I have produced it to satisfy you, Sir, and the Jury, of the real character of the Meeting; and though I have not produced as many witnesses on that part of the case, as have been produced on the other side, I shall stop here, unless I am told that the learned Gentleman is going to call witnesses to contradict mine. If that is to be the case, where the inquiry is to end, I know not, nor can any body tell. Whether it will terminate on this side of Christmas; or whether, from the heat of the room, and the length of every day's sitting, we shall all be in our graves before it is terminated, God Almighty only knows. But Sir, I will not produce before you another witness, unless it be absolutely necessary for the purposes of justice. As to the character of the Meeting, you told me that you would receive witnesses, but it is insinuated, that witnesses are to be called, in answer to the case that I have made out, and in contradiction of that case; but I trust you feel it your duty to restrict this inquiry, within some rational limits, and unless some new facts are to be elicited, I trust you will put some bounds to this investigation. I say, that as far as we have gone, I am fortified again and again, in the law that I have laid down; and I am also fortified in it, by the opinion of a noted Barrister, who stands high in his profession, having great professional reputation, and wearing a silk gown. There is a case also, which strongly fortifies me in my argument, and to which, I dare say, the gentleman has referred. I pledge myself again, that the case of *Demaree and Purchase*, fortifies me in the arguments I have propounded; and let the learned Gentleman state it is not so, if he can.

Mr. HARMER—I understood it had been settled, on a former day, that if the learned Barrister called witnesses to prove the character of the Meeting, to be different to what I had then established it, I should be at liberty also to call witnesses again, to contradict those whom he should produce; and even without such an understanding, I submit I have a right to do so; and the Jury will judge of the credit that is due to the respective witnesses, on the one side and on the other.

The CORONER—I have concluded not to hear any more evidence, as to the character of the Meeting.

Mr. HARMER—You have determined not to hear any more evidence upon this subject, Sir. Certainly, you before stated, Sir, that if the learned Counsel brought forward testimony, as to the character of the Meeting, I was to be at liberty to call evidence in answer to it; and to contradict it.

The CORONER—Yes, yes; but have you any witnesses, whose

whose testimony can vary the evidence, you have already produced upon the subject.

Mr. ASHWORTH—The character of the Meeting is established.

Mr. HARMER—If the learned Gentleman concedes to me, that I have already established the Meeting, was a peaceable Meeting, it is unnecessary I should produce any more witnesses.

The CORONER—That is to go to the Jury,

Mr. HARMER—Some time ago, the Jury stated, that they were perfectly satisfied as to two points: one was, that the Riot Act was not read; and the other, that the Meeting was perfectly peaceable. I should therefore insult the Jury, by calling any more witnesses to either of these points, unless the testimony I have already produced to them be rebutted.

The CORONER—I say the Jury never said any such thing.

Mr. HARMER—I beg your pardon, Sir; I understood they said, that they were perfectly satisfied as to those points.

Mr. ASHWORTH—How could they say that?

Mr. HARMER—I understood the Jury to say, that until the testimony I had given, as to the character of the Meeting, was beaten down, further evidence was unnecessary. God forbid, that I should ask the Jury now, their opinion upon the subject; but if the testimony of those witnesses whom I called, is at all disproved or disturbed, I have five hundred witnesses, who would, if necessary, confirm them.

Mr. BARROW—And so have we five hundred witnesses.

Mr. HARMER—Then go on, and call them.

The CORONER—I shall hear no more on the subject.

Mr. HARMER—Well, Sir, I shall feel it my duty to tender to you several other witnesses. It is not the evidence of two or three police officers, nor the evidence of two or three gentlemen, who will beat down all the testimony I have produced.

Mr. ASHWORTH—I was not saying any thing about beating down; and the Jury will tell the Coroner about their satisfaction. I hope Mr. Coroner, that you will now feel it necessary to decide this point, as to whether you will feel it necessary to have the testimony of any more witnesses, upon the subject of the character of the Meeting.

Mr. HARMER—I shall feel it my duty, to tender all witnesses who can give any material evidence on the subject; but if the Coroner refuses to receive that testimony, certainly, I am obliged to yield to his decision.

The CORONER—I am of opinion, at present, that I ought not to receive any more evidence on these two points.

Mr. HARMER—On what points, Sir?

The CORONER—Why, as to the conduct of the Meeting.

Mr. HARMER—Oh, Sir, I thought you were alluding to some new points. I shall produce these witnesses here to-morrow, and then you will decide whether you will receive their testimony, or not.

The CORONER—Don't you say, you cannot vary the testimony your witnesses have already given?

Mr. HARMER—No, Sir; nor do I propose any thing so absurd; but I say, Sir, I can confirm all that the witnesses I have already produced, have proved.

Mr. ASHWORTH—So can I do so, with respect to the witnesses I have called. But to what length are we to proceed? Are we to proceed to the sacrifice of our lives, by the fatigue and length of this investigation?

Mr. HARMER—I don't care a farthing for risking my life, Sir, when I am doing that which is my duty.

Mr. ASHWORTH—Well, I think my life worth preserving, for the sake of my family.

Mr. HARMER—Mine may not be worthless, Sir, in that point of view; but I would never hold it, by a dereliction from my duty.

[Some of the Jury here expressed a wish that the Inquest might be adjourned until 11 o'clock, instead of 10 o'clock, to-morrow morning.]

ADJOURNED TO SATURDAY, THE 9TH OF OCTOBER.

Tenth Day.

AT THE STAR INN, MANCHESTER.

SATURDAY, OCTOBER 9, 1819.

At half past eleven this morning, the CORONER entered the Court, and the gentlemen usually sitting at his table throughout this inquiry, with the exception of Mr. ASHWORTH, took their respective seats. Mr. ASHWORTH came into Court in the course of the day.

The JURY having been called over, the proceedings were resumed.

The CORONER (*to the Constable of Oldham*)—Are there any more witnesses to examine, touching the death of John Lees.

Mr. HARMER—There is a person, Sir, living in this town, who, I understand, actually saw the pistol fired, and by whom it was fired, in the neighbourhood of the Quaker's Chapel. I shall be obliged, by your issuing your summons to compel his attendance, as I understand he will not attend without. His residence is at No. 11, Pool Fold.

Mr. BARROW—Have you not decided, Mr. Coroner, that what passed near the Quaker's Chapel is not evidence? If you are still of the same opinion, (and I see no reason why you should not be, according to the principle laid down on former occasions) this evidence that Mr. Harmer talks about, cannot be received, and is only a waste of time to be talking about it.

Mr. HARMER—In reply to that observation, I beg to say, Sir, that I believe all, or at least most of the witnesses produced by Mr. Ashworth, have stated that they heard the report of a pistol in that neighbourhood. That evidence has been taken down, and I am sure it must be the wish of the Coroner and the Jury, to have every possible information upon that subject, as to by whom it was fired, who at, and so on. I am told that this man Astley, actually saw where, and by whom it was fired; and will be able to prove the person who actually did fire it.

The CORONER—The evidence was, that the pistol was fired in the direction of Dean's Gate; and not in the direction of the Quakers Chapel.

Mr. BARROW—One report was down in Ladd-lane.

The CORONER—One was in Watson-street.

Mr. HARMER—The evidence proved, that one was towards Dean's Gate, and at the lower end of Peter's-street. Mr. Entwisle, Mr. Mutrie, Mr. Hall, and I believe Mr. Nadin, stated, that a pistol was fired there, and their evidence will no doubt appear on your notes.

The CORONER—What, by the Quaker's Meeting House?

Mr. HARMER—Yes, Sir, by the Quaker's Meeting House; and surely, Sir, if you can procure evidence to prove by whom that shot was fired, you will receive it; as I should think it would be most desirable to have this point cleared up as satisfactorily as possible.

The CORONER—I have no objection to his being sent for, leaving it open to receive evidence as to every other person who fired a pistol. Have you any other witnesses to call in the interim?

Mr. HARMER—Yes, Sir. There is a man here, named Thomas Hopkins, that we will examine.

The CORONER—This man you have been alluding to, will not come without a summons?

Mr. HARMER—I understand not, Sir. I have sent for him, and he said he would not attend.

THOMAS HOPKINS, called in, and examined by the CORONER.

Q. What are you?

A. I am a picture-frame, and looking-glass maker.

The WITNESS was now sworn by the CORONER.

Mr. HARMER (*to the Coroner*)—Shall we follow the straight course we did yesterday?

The CORONER—Yes.

The WITNESS examined by Mr. HARMER.

Q. Mr. Hopkins, were you at St. Peter's field on the day of the Meeting—the 16th of August?

A. Yes.

Q. At what time did you arrive there?

A. I arrived there the first time, about 11 o'clock.

The CORONER (*to the Witness*)—Were you in the room yesterday?

A. No. I looked in at the door once, but I did not stop a quarter of a minute; nor did I hear any thing said.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Were you, in point of fact, on the field when Mr. Hunt arrived?

A. I returned to the field again, at about a quarter past 12 o'clock.

Q. And did you then remain on the ground until Mr. Hunt arrived?

A. Yes.

Q. Whereabouts did you take your situation?

The CORONER—If this witness is only to prove the general character of the Meeting, that is the evidence I have resolved to hear no more of,

Mr. HARMER—I shall ask him only a few particular questions.

The CORONER—If it be to the general character, or disposition of the Meeting, I will not hear it.

Mr. HARMER (*to the Witness*)—When did you first observe any disturbance?

The CORONER—Now, that is what I have resolved to hear no more of. This is evidence of the disposition of the Meeting, and I have had quite sufficient of that sort of evidence.

A JUROR—I believe, so have we.

[*Several of the jury here expressed their satisfaction on this head.*]

Mr. HARMER—If the Jury have had sufficient evidence as to the character of the Meeting, I am sure I will not call more witnesses on that subject.

Mr. HARMER—(*To the Witness*)—When the military came up, was your attention turned towards them?

The CORONER—That is the same sort of evidence.

Mr. HARMER—No, Sir, I beg your pardon. I want to prove the assault committed by the Military on the Meeting.

Mr. BARROW—That is involved in the character of the Meeting.

The CORONER—That has been proved, and denied.

Mr. HARMER—I mean to ask this gentleman, whether, his attention, being particularly called to the Yeomanry as they came up to the hustings, he saw them assaulted in any way whatever?

The CORONER—That has been asked of different witnesses more than twenty times; and you said you had five hundred witnesses more, to prove they were not. No one knows where this will end: and they say on the other side, that they have five hundred witnesses to prove the Yeomanry were assaulted. I will not hear any more of this evidence.

Mr. HARMER—I challenge them to the proof. But, Sir, I understood the other day, that the course you determined to be adopted, was this: That they were to call as many witnesses as they could, to prove that the Meeting was turbulent, because the Jury had expressed themselves perfectly satisfied upon the testimony of the witnesses I first called, that it was perfectly peaceable; and then I was to be allowed to call evidence to rebut their's.

The CORONER—Did not Mr. Ashworth ask me, last night, whether it was necessary for him to call any more witnesses to prove the state and disposition of the Meeting? And I said, “no,” and so did the Jury, because he said he could bring witnesses to that *ad infinitum*.

Mr. HARMER—But at present, Sir, they have only resorted to the evidence of two or three police officers. However, if you tell me positively, “I shan’t” examine the witness to the points I was about to examine him to, of course I can’t. Will you allow me to examine the witness?

The CORONER—To what facts?

Mr. HARMER—Why, to whether the Manchester Yeomanry did not ride into the Meeting, and cut several people.

The CORONER—No.

Mr. HARMER—Then you don’t allow me to ask, Sir, whether the

Manchester Yeomanry did not ride into the multitude, and cut several of the people?

The CORONER—You have heard my reasons.

Mr. BARROW—It is said, I have no more witnesses to prove this was a turbulent Meeting. I deny it; I have.

Mr. HARMER—Then go on, and call them. I could not suppose, that after descending to call the very dregs of the police, you could have any witnesses remaining, whose testimony was entitled to the least consideration.

Mr. BARROW—I have more witnesses to prove the Meeting was turbulent; but I submit, Mr. Coroner, that for the sake of our health, it is most desirable, that some limit should be put to these proceedings. I recollect, some years ago, (perhaps thirteen years ago) there was a trial at the Assizes at Lancaster, at which the present Chancellor of Ireland presided. It was a case as to the right of fishery, and it was stated that there were a hundred and fifty witnesses on one side; and a hundred and thirty on the other; and as these witnesses were to prove precisely the same facts over and over again, the Judge said he would put a stop to it; for it was quite monstrous that such a number of witnesses should be examined, or listened to, in one cause, to the exclusion of all other business at the Assizes. If gentlemen would agree to examine a given number of witnesses on both sides, as to particular points, the trial might be got through: but if such an immense number of witnesses were to be produced, to prove precisely the same facts, there would be no definite end of the case. Well, in the present case, Mr. Harmer says that he has five hundred witnesses to prove that the Meeting was perfectly peaceable. I have a very considerable number of witnesses who could confirm the evidence of those I have already called. Already this inquest has been of more than eight days continuance; we have done that which is extremely fair—we have called a much less number of witnesses than Mr. Harmer has, and we are willing to let that part of the case rest where it is. But if he is to examine more witnesses, we must examine more; and God only knows where it will end.

Mr. HARMER—Still, Mr. Coroner, I am not at all removed from the position with which I set out; nor is the instance which Mr. Barrow has mentioned, of a case where there were a great many witnesses, at all analogous; for there the learned judge alluded to, *proposed* that the gentlemen should *agree* to take a certain number of witnesses on each side; clearly shewing, that it was not a matter of decision by his lordship, but that it was in fact a proposition for public convenience. But, Sir, it was expressly agreed, when Mr. Ashworth proposed to call witnesses to contradict my position that the Meeting was peaceable, and that the Cavalry made this outrageous assault upon the people, that I should be allowed to call witnesses to rebut the testimony of those he was to call, if I thought proper to do so. If you say that I am not to do it, of course I am obliged to bow to your decision.

The CORONER—If the Jury had not been satisfied with the number of witnesses examined to that point, I should not have come to this resolution. If each of you produces a given number of witnesses, then the credit and character of those witnesses will go to the Jury, and we shall be likely to come to some termination of this inquiry, within reasonable time. But I will not allow witnesses to be called for the amusement of Mr. Harmer, or any body else.

Mr. HARMER—I do assure you, Sir, it is no amusement to me.

The CORONER—If you produce any number of witnesses, within moderation, I will receive them; but I shall allow the other side to call the same number.

Mr. HARMER—Very well, Sir; but I did hope, as the gentlemen on the other side have said that they had so many witnesses, that you would hear a few more of them. If they have so many witnesses to prove the turbulence of the Meeting, I am sorry they did not proceed with them. I can only say, that now this gentleman is here, I can examine him to some other points.

The CORONER—If you will consent to fix the number of witnesses that you are going to call, I will allow you to proceed.

Mr. HARMER—I will not make any compromise of the interests of my clients, which is against law.

The CORONER—Well, that is my conclusion.

Mr. HARMER—What is your conclusion, Sir? Will you be good enough to repeat it, in order that we may have it accurately?

The CORONER—Why, my conclusion is this:—if you will fix to have any number of witnesses to some one fact, and that number be a moderate number, I will receive them, and allow the opposite side to produce a similar number. But if you don't agree to this, we shall stop where we are.

Mr. HARMER—Then I don't agree to it, Sir.

The CORONER—You have had more than a month since the Assizes to prepare, and surely you have had sufficient time to collect all your witnesses together.

Mr. HARMER—Yes, Sir, and I have them here.

A JUROR—I think we have had plenty.

HENRY KIRKMAN called by Mr. HARMER.

The CORONER (*to the Witness*)—Where were you when you were called? Were you in the room?

A. Yes.

Mr. HARMER (*to the crowd, below a bar placed this day across the further end of the room*)—I desire that all persons, who are to be witnesses may withdraw, or their examinations will not be taken. That has been determined to be the law, by the Coroner.

Mr. BARROW—And all other Coroners lay down the same, to my knowledge.

Mr. HARMER—And I conceive, they lay it down improperly, if they do so.

The CORONER (*to the Witness*)—What are you?

A. I am an a cotton weaver.

The CORONER—What, more cotton weavers!

The WITNESS was now sworn, and examined by Mr. HARMER.

Q. Were you at the Meeting in St. Peter's field, on the 16th of August?

A. Yes.

Q. After the Cavalry had proceeded to the hustings, did you see any person, and whom, intermix with the special constables, and striking at the people?

The CORONER (*to Mr. Harmer*)—"What did you see?" is the proper mode of putting the question.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Well, what did you see?

A. I saw Mr. Fletcher.

Q. What Mr. Fletcher?

A. Mr. Fletcher, the Magistrate of Bolton.

Q. What Colonel Fletcher, as he is called?

A. Yes.

Q. Where did you see him?

A. He was near the hustings, mixing with the constables.

Q. What was he doing?

A. He was striking the people.

[*The Constable who had been sent to summon Mr. Astley, by the desire of Mr. Harmer, now entered the room.*]

The CONSTABLE—Mr. Astley cannot attend.

Mr. HARMER—I beg then, that his contempt may be recorded. But first I beg that the constable may be sworn to the service of the summons on Mr. Astley.

The CORONER (*to the Constable*)—What is your name?

The CONSTABLE—John Campbell.

JOHN CAMPBELL sworn by the CORONER and examined by Mr. HARMER.

Q. Did you serve the summons on Daniel Astley personally?

A. Yes.

The CORONER—This day?

A. Yes.

The examination of the WITNESS resumed by Mr. HARMER.

Q. What did he state?

A. He told me he could not attend, because, in consequence if he did, and his name put in the newspapers, he would be thrown out of bread, and therefore he could not attend.

Mr. HARMER—I beg then, that the usual proclamation may be made.

[*Daniel Astley was now called three times with the usual proclamation, but did not answer.*]

The WITNESS—His father is in the warehouse now, when I came away.

The examination of the Witness, HENRY KIRKMAN, resumed, by Mr. HARMER.

Q. Did you see any thing done by Mr. Fletcher ?

A. I saw him strike several people with a staff which he had in his hand.

Q. Was that at the time that the Manchester Yeomanry were at the hustings, or near them ?

A. Yes ; it was, when they were near them.

Q. What were the Yeomanry doing at that time ?

A. Galloping about the field.

Q. Were they doing any thing else, beside galloping about the field ?

A. I saw several of them strike the people with their swords.

Mr. HARMER—This is all I ask this Witness.

The Witness cross-examined by Mr. BARROW.

Q. Did you hear him say any thing to the people ?

A. “ Get off the field or you will be all killed.”

Q. Did they go, in consequence of that ?

A. They fled as hard as they could.

Q. Then none of them remained round the hustings and could not go away ?

A. I saw nothing of the kind.

Q. You will swear, perhaps, that none did remain round the hustings ?

A. I saw nothing of the sort.

Q. Will you swear it was not the case—that many persons did not stop there ?

A. I will not swear that.

Q. Where were you, at this time, yourself ?

A. Do you mean when they were striking the people.

Q. Yes ?

A. I was fleeing towards Mosley Street, about thirty or forty yards from them.

Q. From the hustings, do you mean ?

A. Yes.

Q. Then if you were fleeing towards Mosley Street, you had your back upon the hustings ?

A. Yes ; I had my back on the hustings.

Q. Then will you tell the Coroner and the Gentlemen of the Jury how you, with your back towards the hustings, could see what passed at the hustings ?

A. I did not say I saw any thing passing *at* the hustings.

Q. Yes you did?

A. No; I said *near* the hustings.

Q. Then how happens it that you, with your back towards the hustings, could see what was done by the Yoemanry near the hustings?

A. Because I went by them.

Q. In your road?

A. Yes, in my road.

Q. Where had you been before you ran?

A. On the coach that Mr. Hunt came in.

Q. Did you get off the coach to begin to run away?

A. When the Cavalry had cleared the hustings, there was a vacant place, and I jumped off the coach, and ran by Mr. Fletcher, amongst the crowd.

Q. Where did you first see Mr. Fletcher?

A. That was the first time I saw him that day.

Q. Did you see him coming towards the hustings?

A. No; he had his back on the hustings the same as I had.

Q. Then the first time you saw him that day, was when you ran past him?

A. Yes, it was.

Q. Of course you did not see him come up, then?

A. No.

Q. And what he had said to the people, before you passed him, you do not know?

A. No, I do not.

Q. He is a magistrate?

A. Who?

Q. Mr. Fletcher is?

A. Yes.

Q. When were you first ordered to attend here?

A. On Saturday.

Q. That was the first time you heard that you were to attend here?

A. Yes.

Q. Who told you to attend?

A. Mr. Peter Baron, of Cockey Moor.

Q. Have you had a summons to attend here?

A. No.

Q. To whom did you first tell this story?

A. What story?

Q. What you are now telling?

A. What I am stating now?

Q. Yes.

A. I told it to the same person several weeks before.

Q. What is Mr. Baron?

A. He is a statesman.

Q. What do you mean by a statesman?

A. A landed man—a man of landed property,

Q. In what little Mr. Fletcher said to the people was he very cross?

A. He was striking them with his stick.

Q. Did he appear to be very cross, or was he advising them to go away?

A. I can't say that.

Q. You could not tell?

A. I could not tell whether he was telling them to go away quietly, or whether he was very cross.

Q. He struck some people?

A. Yes.

Q. You don't know who they were?

A. No.

Q. Did they fall down?

A. Several fell down.

Q. Will you swear that any of those Mr. Fletcher struck, fell down?

A. No, I will not say that.

Q. Did they appear to you to be hurt by his striking them?

A. No, they did not appear to me to be hurt.

Q. With what, did you say, he was striking them?

A. With a staff of some sort, he struck them.

Q. Do you mean to say whether it was a constable's staff, or a stick?

A. I can't say whether it was a constable's staff or a stick.

Q. You won't swear one way, or the other?

A. I won't swear one way, or the other.

Q. Were the people whom he struck persons standing still, or running away?

A. Running away.

Q. When he struck them?

A. Yes.

Q. Then he struck them over the back?

A. Yes.

Q. All of them?

A. All that I saw.

Q. How long do you think you were, in passing them?

A. Not long.

Q. How long?

A. Not above half a minute.

Q. And you were running very fast?

A. As fast as the crowd would allow me.

Q. I thought you said, there was a vacant place?

A. I ran from the coach, across a vacant place to the crowd.

Q. Then there was a vacant place between the coach and the crowd?

A. Yes, a vacant place. It was cleared by the Yeomanry.

Q. Then you would not have much time to see what he did?

A. No, not much time.

Q. How many did you see him strike?

A. I cannot say.

Q. But can you not form an idea?

- A.* I saw him strike one or two. He had his cane up.
Q. Do you mean to say that it was a cane?
A. It was either a cane or a staff; I don't know which.
Q. You won't swear that it was not a cane?
A. No. I won't swear that it was not. I don't know what it was.
Q. But you know the difference between a cane and a constable's staff?
A. Yes, I do.
Q. And yet you will not swear which it was?
A. I will not swear which it was.
Q. You said you would swear that he struck one or two?
A. Yes.
Q. Will you swear he struck two?
A. I will not swear positively to two.
Q. Will you swear to one?
A. Yes, I will swear I saw him strike one, but I don't know who it was.
Q. Were there any people standing still at this time, near the hustings?
A. I did not see any.
Q. Now, upon the oath you have taken, did not Mr. Fletcher come upon the ground to advise the people to go away?
A. To advise the people to go away?
Q. Yes. Will you swear that he did not advise them to go away?
A. I have said he was telling them to go away.
Q. Will you swear, from any thing you saw, that that did not appear to be his object?
A. I don't know upon that subject.
Mr. BARROW—Very well.

The WITNESS re-examined by *Mr. HARMER*.

- Q.* Whatever the intention of Mr. Fletcher was, did he strike the people in such a way that you should like to receive similar blows from good-nature?
A. I should not like to receive such blows.
Q. Was his conduct likely to diminish or increase the confusion?
A. I can't say that.
Q. You cannot say one way or the other?
A. No.
Mr. BARROW—This ought to be put through the Coroner.
Mr. HARMER—I beg your pardon; I should submit not—*Mr. Ashworth* has repeatedly re-examined witnesses.
The CORONER—I say that every thing that *Mr. Ashworth* has put in the shape of re-examination, has been through me.
Mr. BARROW—Yes, Sir; but according to the course that *Mr. Harmer* wishes to adopt now, we should have, instead of three examinations of a witness, four; because a witness is examined by *Mr. Ashworth*, or by me, in his absence, and then by *Mr. Harmer*, and

then if I or Mr. Ashworth were to re-examine him, when you examined him, that would be no less than four examinations. It would be the same if Mr. Harmer was first to call the Witness, and then he was, after we had examined him, to re-examine him, as he wants to do in this instance.

Mr. HARMER—Well, I will put the questions through the Coroner to avoid losing time in discussion.

The CORONER.—It will be very necessary to shorten the business much as possible, consistently with Justice.

The Witness re-examined by Mr. HARMER through the Coroner.

Q. Did you stop to see what was the effect of the blows which Mr. Fletcher gave?

A. No, I did not.

Q. Why did you not stop?

A. I did not stop, because I was fearful of my own life.

Q. How had that part of the ground been cleared about Mr. Hunt's carriage, through which you ran?

A. By the Cavalry.

Q. How had the cavalry made it clear?

A. By galloping up and down the place, and over the people.

Q. Mr. HARMER.—Will you be good enough to ask him, Sir, whether when Mr. Fletcher said to the people, "you must go away or you will all be killed," that was accompanied by a blow?

The CORONER (*to the Witness*).—What was Mr. Fletcher doing at the time he said this?

Mr. HARMER—I must intreat, Sir, you will repeat the question as I requested you to put it.

The CORONER—I shall repeat the question as I chuse.

Mr. HARMER—I trust, Sir, you will repeat it as I requested you.

The CORONER—I have.

Mr. HARMER—I beg your pardon, Sir. The question I requested you to put was, Whether when Mr. Fletcher said, "You must go away, or you will all be killed," he accompanied that, with a blow, and the shape in which you put the question is, "What was Mr. Fletcher doing at the time he said this?"

The CORONER—In substance, it is just the same.

Mr. HARMER—Well, the Witness has heard the question as I put it, and he will answer it.

A. He said that at the time his cane was lifted up, and then he struck it down.

The Witness examined by the CORONER:

Q. Will you tell me what time it was, when you ran away from the cavalry?

A. I can't tell what time it was.

Q. Can you tell us what was done at that time?

A. Yes.

Q. Was it immediately upon the cavalry coming up to the hustings?

A. They had reached the hustings, and had surrounded the hustings, when I went away from the carriage.

Q. How far had you proceeded from the carriage, before you saw Mr. Fletcher?

A. I should suppose about twenty or thirty yards.

Q. Which way were you proceeding?

A. I was proceeding towards Mount-street.

Q. And you did not see Mr. Fletcher before them?

A. No; I did not.

Q. How far was the carriage off the hustings?

A. About four or five yards distance from the hustings?

Q. It is quite true that Mr. Fletcher was a least twenty or thirty yards from the hustings?

A. It is exactly true.

Q. Did he strike any person, nearer to the hustings than twenty-four yards?

A. No, he did not.

Q. Do you know any thing of John Lees?

A. No; I don't know any thing of him.

Q. Did you hear on the ground that such a man had been hurt?

A. No, I did not.

Q. Was Colonel Fletcher alone? Was he without any friend or attendant?

A. I can't say that. I saw him personally.

Q. Did you see any other person drest as a gentleman?

A. No; not that I took notice of.

Q. You saw nobody else speaking to the people as he was?

A. No, not that I heard.

Q. You say you believe you saw him strike one man?

A. I say I saw him strike one man.

Q. What part did that blow 'light upon?

A. Somewhere about the back or the shoulders as he was clearing away.

Q. Did the man proceed to flee from him?

A. Yes; and he was next to me.

Q. And he fled from him in the way that you did?

A. Yes; in the way that I did.

Q. Did he follow you, that you know of?

A. I don't know whether he followed me or not. I was fleeing to get away.

A JUROR—Are you sure you know Colonel Fletcher?

A. Yes, quite sure.

The CORONER—How was he drest?

A. He had a black coat and waistcoat on.

The CORONER—That is all I ask this witness.

Mr. HARMER—Now, Sir, I should propose to call Mr. Buckley, a witness whom I before examined, to prove a new fact, with respect to the firing of a pistol. He states to me, that one of the gentlemen of the Manchester Yeomanry has acknowledged to him, that he fired it.

The CORONER—He was examined before, without the benefit of

being cross-examined at all, by any party; and it is in my recollection what his evidence was. I don't know how much it would go to his credit; or how he can be called to prove any other fact, unless it is a fact that has recurred subsequent to his last examination.

Mr. HARMER—It is, Sir, a fact that has occurred subsequent to his former examination.

The CORONER—But I don't know when, or where, this inquiry is to terminate, if you are to go on calling witnesses back again after they have been examined once.

Mr. BARROW—If he is to be again called, I should certainly claim a right to go through his full cross-examination.

Mr. HARMER—Unquestionably.

Mr. BARROW—But he might have stated this before.

Mr. HARMER—The Coroner asked me, whether it was a fact that occurred since his former examination, and I told him it was; he then said, that as a new fact, it was admissible.

The CORONER—I have no objection to it, but as to the procrastination of the business. If it is to be mutual, I have an objection to it. There will be no end to it. (*To Mr. Woods, a reporter, who was taking notes.*)—Who are you taking notes for?

Mr. WOODS—I am taking them for the establishment to which I belong.

The CORONER—You are taking them for the *Times*, and how dare you do so, after I said that no person was to take notes for that paper?

Mr. WOODS—I beg your pardon; I never did belong to the *Times*.

The CORONER—Well, I forbid you to take notes.

Mr. WOODS—I was taking notes all day yesterday, Sir; and when you looked towards me, I held my book up, and you saw me, and never prohibited me then.

The CORONER—Who are you taking notes for?

Mr. WOODS—The *Chronicle*.

The CORONER—Then you are a very impudent man. I before prohibited you from taking notes.

Mr. WOODS—I beg to say, Sir, that you saw me taking notes yesterday, and you looked towards me as I sat behind Mr. Ashworth. I held up my book, in order that you might see I was taking notes, and you did not then prohibit me from taking notes.

The CORONER—How long is this speech to last?

Mr. WOODS—Sir, I have a right to explain my conduct, I submit; besides you called upon me.

The CORONER—I tell you, I prohibited any person from taking notes for the *Chronicle*, after they published the proceedings in defiance of my orders.

Mr. WOODS—You permitted me to take notes yesterday, Sir.

The CORONER—I did not.

Mr. WOODS—I held up my note book, Sir, and you saw I was taking notes, and did not prohibit me.

The CORONER—I prohibited you before.

Mr. BARROW—Yes, I recollect he was prohibited before.

The CORONER—I wonder how you dare take notes again. I require you to go out of the room. It is the people from London alone, that treat me with this contempt.

Mr. WOODS—I should not have disobeyed your order, Sir, had you not permitted me to take notes yesterday.

The CORONER—I did not permit you. Did you not hear me before, order no notes to be taken for the Chronicle?

Mr. WOODS—I admit your order, Sir.

The CORONER—Well, and I will attempt to enforce it in a criminal manner.

Mr. WOODS—I should not have infringed that order, Sir, but you saw me yesterday taking notes. I held up my book, as I said before, and you did not then prohibit me.

The CORONER—I desire you will withdraw. Your paper was the first to publish the evidence.

[*Mr. Woods here withdrew.*]

Mr. HARMER—Upon the subject of reports, Sir, appearing in the newspapers relative to this inquest, I would take the liberty of calling your attention to the *Courier*, which I hold in my hand, and which contains three or four columns of comments on the evidence.*

The CORONER—I will not hear them.

Mr. HARMER—I beg, Sir, you will, as there are some most indecent observations made, even upon the Jury.

The CORONER—I have no doubt of it.

Mr. HARMER—I beg then, Sir, that you will ask whether there are any reporters for the *Courier* in Court.

Mr. BARROW—I understand that there is no reporter here for the *Courier*.

Mr. HARMER—I have received credible information that both those gentlemen (*pointing to Mr. Cowper and Mr. Radley*) send communications to the *Courier*; and as that paper contains, in more numbers than one, some most indecent observations relative to this inquiry, I trust those gentlemen may also be removed from the Court.

The CORONER—Prove that they sent up the evidence.

Mr. HARMER—I challenge either Mr. Cowper, or Mr. Rashleigh, to deny that they send up communications to the *Courier*.

The CORONER—"Radley" is that gentleman's name; not "Rashleigh."

Mr. HARMER—Well, Sir, I challenge either Mr. Radley, or Mr. Cowper, to deny that they send communications to the *Courier*.

The CORONER—Those gentlemen are writing for me.

Mr. HARMER—If that be so, Sir, their conduct is still more reprehensible; and I challenge them to say whether they have not sent communications to the *Courier*, respecting the proceedings here.

Mr. COWPER—I have simply sent up a letter to the *Courier* daily,

* Vide the *Courier* of 4th October.

stating what progress was made in the Inquest ; and you will find a short letter of mine in the paper you allude to.

Mr. RADLEY remained silent.

The CORONER (*to Mr. Cowper*)—Have you communicated evidence to the *Courier* ?

Mr. COWPER—No.

The CORONER—You said, Mr. Harmer, that there were two people here taking evidence for the *Courier*.

Mr. HARMER—I said no such thing, Sir. I said there were two persons here who sent *communications* to the *Courier*, *commenting* indecently on the Witnesses and the proceedings ; and I say so still. If they merely sent up *the evidence* I should not complain.

The CORONER—I tell you what ; you completely tire out my patience.

Mr. HARMER—Then you don't prohibit these gentlemen from taking notes.

(*Here some noise took place at the lower end of the room.*)

The CORONER—I can hear nothing for the noise you make. The noise is intolerable, and these interruptions would tire the patience of Job.

Mr. HARMER—Then you do not prohibit these gentlemen, Sir, from sending their communications to the *Courier* ?

The CORONER—I prohibit any man from communicating any of the evidence to any paper ; and I call upon the gentlemen round me to point out to me any person taking notes to be published in any paper whatever, before this inquiry has terminated. That is all I will do.

Mr. HARMER—Then your objection, Sir, is confined to evidence being published, but what I object to, is comments—and in the *Courier* newspaper, there are comments upon almost all the evidence hitherto given ; and also, I am sorry to say, some most indecent comments on the conduct of the Jury.

Mr. COWPER—I never uttered a syllable, with respect to the Jury, in what I have sent to the *Courier*.

The CORONER—I rather think, Mr. Harmer, you are not to interfere with the Jury in this way ; and you cannot expect that I will let you read three pages or columns of a newspaper here.

Mr. HARMER—I am not going to read them, Sir ; but while you are denouncing other papers, pray do not let the *Courier* escape.

The CORONER—I won't. I prohibit any persons from sending up the evidence to London ; and I restrain all newspapers from publishing it. But I must also say something further ; and I ask how far it is decent, or proper, or common for any solicitor, during an investigation of this sort, to attempt to prejudice the minds of the Jury, and of the public, by having a sort of affidavits of persons inserted in the newspapers which would not be evidence.

Mr. HARMER—Such things were never inserted in any newspapers by me, or with my concurrence. But here is the *Courier*, in another number of it, that has been put into my hand, making reflections on the Jury, of a most disgraceful nature, which I trust you will take notice of, Sir.

The CORONER—I have something else to do, than to attend to to these things. They are just the same as the things that were mentioned yesterday; for, I know nothing of them.

[*Mr. Harmer here read a part of an account in the Courier of October the 5th, signed T. B. which was as follows:*

“A number of witnesses have been produced, to prove the injuries which they received on the 16th, not one of whom could prove a single fact relative to the matter in question; and with no earthly view, but to inflame the Jury, and agitate the public mind. These very persons have preferred their complaints (by advice of Harmer and Co.) to the Grand Jury and Magistrates, but without effect; and now Mr. H. catches at this method of forcing their testimony on the public.”

“The Coroner has declined receiving their testimony, on the sole ground that it is irrelevant to the case. Doubtless, Harmer will resort to some other ‘fair and honourable’ way of intruding the evidence on the public.”

Mr. COWPER—That is no language of mine.

Mr. HARMER—I presume not, because it is signed T. B. but I suspect the author is in the room.

The CORONER—I have already said, that I will not suffer the evidence to be published in any newspaper, before this inquiry has completely terminated. I can say no more.

Mr. HARMER—But that of which I complain, Sir, is comments—Will you not prohibit them?

Mr. COWPER—They are not mine.

Mr. HARMER—I trust, Mr. Coroner, that you will discover the author or authors of these comments, and bring them to punishment. Here are most shameful reflections on the Jury.

The CORONER—What have you got to do with the Jury? You interfere with them a great deal too much.

Mr. HARMER—You stated that before, Sir, and I flatly contradict it.

The CORONER—Why, we had it from your own mouth.

Mr. HARMER (*with great warmth*)—I deny it, Sir. It is most false.

Mr. BATTYE—You did; you know you did. You said so with your own mouth.

Mr. HARMER—I deny it. It is most shameful, that such unfounded assertions are put forth. I said no such thing.

The CORONER—You did. You said you knew of the paper that was handed to the Jury.

Mr. HARMER—I deny it, Sir. I state most positively, that I did not know of it, and I never said so. I was told on a former day by Mr. Ashworth, by Mr. Barrow, and yourself, that you would prove I had made too free with the Jury. I challenge you now, as I challenged you then, to prove it. You told me you had witnesses to prove it. I challenge you to call them, and I defy you to prove any thing of the kind.

The CORONER—I will not have the time of the Court wasted in this manner.

Mr. HARMER—The time of the Court wasted, Sir? It is not I that waste it—But I shall not allow foul imputations to be cast on my character without contradiction. You stated that I made too free with the Jury. I call upon you to prove it. Establish that charge, if you can; and it is no longer fit I should remain in this Court. I call upon you, as a part of your duty, to prove the charge, if you can.

The CORONER—I did not say so.

Mr. HARMER—You certainly did state so; and so did Mr. Ashworth and Mr. Barrow.

Mr. BARROW—I did not.

Mr. HARMER—I say you did. And you, Mr. Coroner, have done me the injustice to state, that I have been too free with the Jury. I again call upon you to prove it, or state your grounds for making the assertion.

The CORONER—I have it down what I stated, and you will hear of it in due time.

Mr. BARROW—I have denied ever saying so.

Mr. DENISON—I assert you said so.

Mr. BARROW—I say I did not; and perhaps my word is as good as yours.

Mr. HARMER—Perhaps not; but that will be tried probably hereafter.

The CORONER—I desire that an end may be put to this interruption.

Mr. HARMER—Don't let it be said, then, Sir, that I submit quietly to the accusation, "that I have been too familiar with the Jury."

The CORONER—What did you get the names of the Jury for?—I could say a great deal more than I have said; but I have got down what I did say.

Mr. HARMER—I knew not the names of the Jury, Sir, till you called them over.

The CORONER—Well, I could say more than I have said.

Mr. HARMER—I challenge you to say more than you have said, or to prove any thing that you have said. Say all you know; and prove what you can. Do not let us have insinuations, but let us have proof.

The CORONER—We have had more insinuations than we ought to have had.

Mr. HARMER—There certainly have been, Sir, many more insinuations than there ought to have been.

The CORONER—I admit it.

Mrs. RAYBORN called by Mr. HARMER.

[*This Witness entered the room, and took her station by the Coroner, apparently without his notice at first.*]

The CORONER—(*looking at the Witness, and then turning to Mr. Barrow*)—Do you produce this woman?

Mr. BARROW—No ; she is produced by Mr. Harmer.

Mr. HARMER—I called her, Sir.

The WITNESS sworn by the CORONER, and examined by Mr. HARMER.

Q. Where do you live, Mrs. Rayborn ?

A. In Watson Street.

Q. In what house in Watson Street ?

A. At No. 1, in Watson Street.

Q. On the day of the Meeting, were there any guns fired from your house by any of the persons living in it ?

A. No such thing. We never had any thing of the sort in our possession.

Q. Could any person get from the inside of your house on the roof, so as to assault any body by throwing stones or otherwise, on the outside ?

A. No, they could not. It was examined, and they could not.

Q. We will come to the examination presently. But was your house attacked by any body ?

A. Yes ; when they first came to the door, I thought it was some of the crowd that wanted to come in.

Q. Was the door locked ?

A. Yes, it was.

Q. And was there any knocking at the door ?

A. Yes.

Q. And you thought it was some of the crowd that wanted to come in ?

A. Yes.

Q. What then was done ?

A. The pannels of the door were drove straight into the middle of the kitchen.

Q. What more ?

A. Then they fired a gun through the window over the kitchen.

Q. Who do you mean by "they ?"

A. The soldiers.

Q. Did it pass through your window ?

A. It passed through the window, and the bullet took the plaister off the ceiling and the wall.

Q. Did you, upon this, open your door ?

A. I did not open it myself, for my fright was too great ; but a young man did open it.

Q. Was he one of your lodgers ?

A. Yes, Mr. Perry. He opened the door, and said, "Gentlemen, what do you want ?"

Q. Who came into the house ?

A. Some soldiers and constables.

Q. What did they say ?

A. They caught hold of him just by his breast.

Q. Who did they catch hold of ?

A. Thomas Perry; and he pointed his sword at him; and he said, "You rascal, you have been throwing stones;" and he told them he never saw a stone, nor never touched one. Then they seized hold of Mr. Wilson, a young man, and the serjeant pointed his sword at him, and cut his coat; and with me being so frightened, I ran betwixt them, and he said he did believe that he really would have run the sword through him, if I had not got between them.

Q. That is since.

The CORONER (to Mr. Harmer)—How do you know it is since?

Mr. HARMER—I only wish to prevent her giving any improper evidence, Sir.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Did he say so at the time, or since?

A. He said so at the time.

Q. Well, what next?

A. He took him out of the town, and they struck him different times.

Q. What "they?"

A. The constables and soldiers together.

Q. Did any of the constables, or soldiers, go up stairs to examine your house?

A. Yes, they did. The first time they went up, they did not do any thing; but the second time of going up, they fired upon the first landing.

Q. They went up twice then?

A. Yes. When they got above, they fired twice up stairs, and they found there was no road there, by which they could get to the top of the house, and then they left the house.

Q. Now was there any person in your family, or in your house, that assaulted the soldiers, or constables, previous to the breakage that you have mentioned?

A. No such thing. Nothing of the sort.

Q. Were there any fire-arms in your house, previous to the constables and soldiers coming there?

A. No; I never had such a thing in the house in my life.

Q. Or any of your people?

A. No; none of the people in the house.

Q. Are the broken window, and the broken pannel, still observable at your house?

A. Yes; only the pannel is slipped in again; but my daughter has the part to produce. She also has the bullet.

Q. Your daughter's name is Ann?

A. Yes.

The WITNESS examined by the CORONER.

Q. What time was this, that these persons rapped at your door, and broke into your house?

A. About two o'clock.

The CORONER (*to Mr. Harmer*)—This is not admissible evidence. I must allow them to come with contrary evidence on the other side. This has nothing to do with the inquiry before us.

Mr. HARMER—All the witnesses that have been produced on the other side, Sir, have spoken to a firing in Watson-street; and that firing has been attributed to the crowd. This witness proves it came from the soldiers, and therefore I submit that her evidence, as to that point, is strictly relevant and admissible.

The CORONER—They must produce witnesses to contradict it.

Mr. HARMER—Let them do so, if they can.

The CORONER—Then when is this inquiry to end?

Mr. HARMER—I do not know, I am sure, Sir.

[*The cross-examination of this witness was postponed, as neither Mr. Ashworth nor Mr. Barrow were in court.*]

ANN RAYBORN called in, sworn by the CORONER; examined by Mr. HARMER.

Q. Where do you live?

A. In Watson-street.

Q. With your mother?

A. Yes.

Q. You live with your mother, at No. 1, Watson-street?

A. Yes.

Q. Were you at home at the time of the Meeting in St. Peter's-field, on the 16th of August?

A. Yes, I was.

Q. Did any person from your house, a member of your own family, or any other, fire upon the soldiers that day, or upon any other person, or assault them with stones, or in any other way?

A. No; they did not.

The CORONER—Leading questions will do for cross-examination, but they ought not to be put in examination. If you ask her what did any person, and whom, do, that is a fair question. But she is not to be told by the question, what answer she is to give. These are leading questions in a manner.

Mr. HARMER—I wish you would examine her yourself, Sir.

Mr. CORONER—No; as you have begun, go on. I will examine her afterwards.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Did, or did not, any person, or persons, attack your mother's house; and if they did, who were they?

A. Both soldiers and constables.

Q. Describe to the Coroner and the Jury in what way they attacked your mother's house? Tell it slowly, as the Coroner has to take it down.

A. The first time, they knocked at the door; afterwards they fired through the window; then they broke the pannels of the door in, and a young man, of the name of Perry, opened the door for them; and then the constables, and soldiers likewise, came into the house, and went up stairs to search the house. When they came down, they asked me if there was any body at the top of the house?

The CORONER—On the top of the house, to throw any thing?

A. Yes; and I answered, “no,” and they went up a second time to search. They fired twice through the window, and once on the landing of the stairs.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Well, go on.

A. One of the constables then asked me again, if I had any road on to the top of the house, and I said we had not. Then, when he came down again, he said the stone had come from the top of the house, and I said it had not. He said, if I contradicted him, he would knock me down.

Q. In point of fact, was there any person, to your knowledge, on the top of your house; or can any person get to the top of your house from the inside?*

A. No; and no person could get to the top of our house without a ladder placed on the outside of our house.

Q. You say they fired through the window. Was it through the chamber window, from the outside, that they first fired?

A. Yes.

Q. Was the window broken?

A. Yes.

Q. Was the sash of the window down?

A. Yes, it was.

Q. How long had you been from the window before the shot was fired.

A. Not above a moment. I had just got to the room door.

Q. Was there any bullet came into the room?

A. Yes.

Q. Have you that bullet with you?

A. Yes; I have.

Q. Produce it?

(The Witness here produced the bullet. It was somewhat flattened; and was handed to the Jury, who examined it.)

The WITNESS examined by the CORONER.

Q. How many stories high is your house?

* It is a fact worthy of remark, that all the houses surrounding St. Peter's field (except one near the Windmill Public House) have no parapets, and are so slated with a slope, that a person could with difficulty stand on them, and must be visible to all on the field. The house, No. 1, in Watson Street, is peculiarly so in its situation,

A. Two, from the ground.

Q. Tell me at what time in the day it was, that the people burst into your house?

A. Between two and three o'clock in the afternoon.

Q. How much after two o'clock? Tell me as exactly as you can?

A. About half past two o'clock, I think.

Q. When the soldiers and constables burst in?

A. Yes.

Q. How did they come into the house? Was the door opened for them?

A. It was opened for them after they knocked.

Q. Do I understand you to say, that the bullet came through the sash that was open, or through the glass?

A. No, the sash was open.

Q. Did it come through the sash then?

A. Yes; it came through the glass.

Q. What glass did it come through?

A. Through the window.

Q. Was it a low room, or a middle room, or a top room?

A. It was the chamber window.

Q. What became of it, after it came through the glass?

A. I found it on the room floor, after the constables and people had gone away from the house.

Q. How long after they had gone from the house?

A. About half an hour afterwards.

Mr. HARMER (*to the Coroner*)—Will you be good enough to ask the witness, Sir, whether the mark is now visible on the wall and the ceiling, where the bullet struck?

The CORONER—She ought to have said it, and then I would have asked her what she saw.

Mr. HARMER—Then I should hope the Jury would ask her.

The CORONER—The other witness told it. But she did not satisfy me of it.

Mr. HARMER—I think you are extremely sceptical; but I wish even to convince you.

Mr. RADLEY—I propose now to call Jane Whittaker, Mr. Coroner.

Mr. HARMER—Mr. Radley now proposes, Sir, to call a witness, named Jane Whittaker. I have no objection to it, only one would wish to know in what situation he appears here.

[*Mr Radley made no answer.*]

Mr. HARMER—This person proposes to call a witness, Sir; I should wish to know in what capacity he appears here.

The CORONER—Mr. Chadwick, the Constable of Oldham, employed him, he told me; and I desired him to take notes for me.

Mr. RADLEY—If it is any satisfaction to you, Mr. Harmer, you may see my notes. I have not seen the notes that have been taken by others.

Mr. HARMER—I don't accuse you of any thing unfair, Sir, or improper. I do not make such groundless accusations as are made by other persons.

JANE WHITTAKER called in by Mr. RADLEY, sworn and examined by the CORONER.

- Q. What are you ?
 A. The wife of ——— Whittaker, of Oldham.
 Q. What is he ?
 A. A hatter.
 Q. Did you know John Lees, the deceased ?
 A. I never saw him but one day after he was hurt.
 Q. What day was that ?
 A. The Tuesday next but one, after he was wounded.
 Q. Where did you see him that day ?
 A. It was in Manchester road, getting into a cart.
 Q. Between Manchester and where ?
 A. It was a mile off Manchester.
 Q. On what road ?
 A. On the road to Oldham.
 Q. What was he doing ?
 A. He was going on the road, and a man with a cart called to him.
 Q. Was it the driver of the cart ?
 A. Yes, it was the man in the cart.
 Q. Where were you then ?
 A. I was in the cart.
 Q. Did he call to him to ride ?
 A. Yes, to ride.
 Q. What did he do in consequence of that ?
 A. He sat aside of me. He got into the cart, and sat aside of me.
 Q. What did you do, all of you then ?
 A. He told me he had been at the Infirmary, and at the dress.
 Q. Well, what more ? How did he appear ? What did you observe ?
 A. I observed nothing to him.
 Q. Did you see any wound ?
 A. I asked him if he was wounded very ill on his elbow, and he said, no.
 Q. Did he shew it ?
 A. No.
 Q. Did he mention any other place in which he was hurt ?
 A. I asked him, if he was hurt any where else, and he said no.
 Q. How far did you ride together ?
 A. To the top of Holley Moor.
 Q. How far is that ?
 A. About a mile, I think.
 Q. Who was there in the cart besides he and you ?
 A. There was Richard Lloyd, I think his name was.
 Q. Who else ?
 A. I think his wife.
 Q. And who else ?
 A. Ann Bardsley, I think, and another woman ; but I don't know her name.
 Q. How did John Lees appear ? Did he appear to be well, or ill ; lame, or low ?

A. He was no way lame, that I saw.

Q. Was any body with him?

A. Thomas Whittaker, his half brother was with him:

Q. Did he appear to be unwell, or sick:

A. I did not see him sick.

Q. Did he appear to be well?

A. He appeared to be well to me.

Q. What time in the day was it?

A. We started in the afternoon from Manchester, between three and four o'clock.

Q. And what time might it be, when he got into the cart?

A. About four o'clock.

Q. Where did he get out at?

A. At the top of Holley Moor.

Q. At any particular house?

A. No.

Q. Was it about five o'clock that he got in and out in this way?

A. Perhaps it was about that time.

Q. Did he get in and out of the cart of himself?

A. Yes.

The CORONER—Now what questions have you to ask of this witness?

Mr. BARROW—I will just get you to ask her one or two questions, as to the state of his coat.

The WITNESS examined by Mr. BARROW, through the CORONER.

Q. How was the sleeve of his coat?

A. It was on his arm, but I am not sure whether it was tied or close.

Q. Was the seam ripped open?

A. No.

Q. Was his arm in a sling?

A. He had his hand in his waistcoat

Q. Then he had no sling to rest his arm in, or his shoulder?

A. No.

Q. You say, he said, that he had been at the dress. Did he say he had actually been dressed?

A. No.

Q. How did he get in and out of the cart?

A. He got in while the cart stopped for him.

Q. How did he get out?

A. I can't say exactly, but he got out by himself.

Q. Without any assistance, you mean?

A. Yes.

Q. Did he get in and out of the cart on the road, between the first time and the last time you have mentioned.

A. He got in and out once, on the road.

Q. Was that without assistance?

A. Yes.

Q. Had he any thing to drink when he got out that time?

A. I never saw him get any there.

Q. Was it at an ale-house?

A. No, but he supped twice while he was in the cart; that is all I saw.

Q. Was the cart loaded or empty?

A. No.

Q. What was there in it?

A. A box, and a sack or two, I believe.

Mr. BARROW—That is all; thank, you, Sir.

The CORONER (to Mr. Harmer)—Do you wish to ask this witness any questions?

Mr. HARMER—No; I thank you.

Mr. BARROW—Now Sir, as I was not in Court when Elizabeth Rayborn was examined, Mr. Harmer agrees that I should cross-examine her now.

Mr. HARMER—Certainly.

[Elizabeth Rayborn was now called, but did not immediately answer.]

Mr. HARMER—Now, Mr. Coroner, I have a woman here, named Sarah Barlow, who was looking out of the same room window, that the witness Hall was looking out of. I tender her testimony, to see whether she will confirm him in the account he has given. He was called in behalf of the accused.

The CORONER—As I said before, Sir, it is merely for the sake of shortening the proceedings, that I wish to curtail the evidence as much as it is possible, consistent with justice. I don't say I won't hear the witness you speak of; but if we are to have one witness called to contradict another in this way, there will be no end to it.

Mr. HARMER—I shall use my best endeavours to bring her examination to a close, by asking her very few questions.

ELIZABETH RAYBORN now came into the room, and was cross-examined by Mr. BARROW.

Q. You live at No. 1, Watson street?

A. Yes.

Q. And you say there were no guns or pistols in your house on that day?

A. No.

Q. There are a number of houses about there?

A. Yes.

Q. I presume you will not take upon yourself to say, that a gun or a pistol might not be fired from next door?

A. No; I will not.

Q. You were too busy minding your own house, I suppose?

A. I kept my house as close as I could.

Q. You speak of the soldiers going up stairs, in your house twice. About what time do you think was the first time they went up?

How early was it when they first came into your house ?

A. It was betwixt two and three o'clock.

Q. Are you able to say whether it was nearer two or three o'clock ?

A. I can't justly say ; but I know it must be about that time.

Q. It must be between two and three, you say ?

A. Yes, it was after two, I know.

Q. But how much—whether it was nearly three or not, you cannot tell ?

A. It must have been not far off three o'clock, I should think.

Q. And that is as near as you can fix it, perhaps ?

A. Yes.

Q. How soon after was it, that they came a second time ?

A. They never left the house all the time, only they went up stairs twice.

Q. How long might they have been in the house then altogether ?

A. They might be in the house ten minutes, perhaps, altogether.

Q. They said they had come to search for somebody ?

A. Yes ; and to see whether there was a road out to the top of the house.

Q. Did they explain, why they wanted to know that ?

A. Yes ; they thought there was somebody at the top of the house, who threw stones.

Q. And that was their reason for wishing to know ?

A. Yes.

Q. I need scarcely ask you if they were foot soldiers ?

A. I think there were two foot soldiers.

Q. And what other soldiers ?

A. There was one I believe, belonging to the Flying Artillery. He was a serjeant.

Q. Is that the man that pointed the sword at this young man's breast ?

A. Yes.

Q. Were there any other soldiers there.

A. There was another soldier, but what he was, I really cannot tell.

The WITNESS re-examined by Mr. HARMER.

Q. Is your house the corner house between Windmill street and Watson street ?

A. Yes.

Q. Have you any windows that look into Windmill street ?

A. Yes.

Mr. HARMER (*to the Coroner*)—This is the house, Sir, out of the window of which, Mr. Hall said that guns were fired at Mr. Fox, and a foot soldier.

The WITNESS examined by the CORONER.

Q. Tell me how many people lodged in your house at that time?

A. They were not all in, at that time.

Q. But how many people lodged in your house at that time?

A. Three.

Q. Who were they?

A. James Whitthington, Charles Wilson, and Samual Lummocks.

Q. Did any body else lodge in your house?

A. No.

Q. Who composed your own family?

A. Only my daughter, besides myself.

Q. Who was in your house on this day, between the hours of one and three o'clock?

A. I had two young men in the house, named Thomas Terry, and James Dean.

Q. What were they?

A. A plaisterer, and a painter.

Q. Was any body else in your house?

A. Robert Wilson.

Q. Any body else?

A. No.

Q. What room were they in, during the time they were there?

A. In the room facing Windmill street.

Q. And you were there too?

A. No; I was not. I never quitted the kitchen.

Q. Then how did you know that they were there?

A. I knew it very well.

Q. But you did not see them there?

A. No.

Q. When did James Dean and Robert Wilson come into your house.

A. They came in just when the Meeting commenced?

Q. Did Terry come in at the same time?

A. Yes; they all came in one after another. They came into the house just when the Meeting commenced.

Q. You don't know, of your own knowledge, what part of the house they were in as you were in the kitchen?

A. I was in the kitchen.

Q. That has a low window?

A. Yes; and I shut the parlour window for safety.

Q. Whom, did you say, the soldiers pointed the sword at?

A. Thomas Terry.

Q. Where is he now?

A. I don't know; but he said he had never thrown any stones?

Q. Where does this man lodge?

A. At Bank-top, next door but one to the Bull's Head.

Q. And where is Robert Wilson now?

A. I don't rightly know. He is a stranger to me. He was working in the country, and called to see a lodger of mine, named Edwards. Edwards was not with me at that time, and this Wilson called to see Edwards, but he was not in.

Q. But did Edwards lodge with you before?

A. Yes?

Q. Where was he from one o'clock to three?

A. There.

Q. Where?

A. He was working in the country at the time of the Meeting.

Mr. HARMER—I now propose to call Mr Buckley, Sir.

[Mr. William Norris Buckley was now called; but did not immediately appear.]

JOSEPH HOWARD called in, sworn and examined by the CORONER.

Q. Where do you live?

A. At Glodwick.

Q. Do you know John Lees?

A. Yes; I have seen him.

Q. Were you ever in his company between the 16th of August, and the time of his death?

A. Yes; I was in his company, on the 17th of August, at Glodwick Brook.

Q. How far is that from his father's house.

A. It is about three quarters of a mile from Oldham.

Q. Had you any conversation with him there?

A. No.

Q. Whereabouts, then, was it that you saw him.

A. I saw him in Dr. Earnshaw's shop.

Q. What did you see done there?

A. I saw him dressed.

Q. What part of him did you see dressed?

A. I saw his elbow dressed; I saw the wound on his elbow dressed.

Q. Did you see any other part dressed?

A. No; he did not mention any other part, not in my hearing.

Q. How long were you in his company?

A. Half an hour, I suppose, while I was there.

Q. What parts of him did he complain of being hurt?

A. He did not complain of any other part but his arm, while I was there. He went out before me.

Q. Tell me what passed during the examination?

A. The doctor asked him how it was done? and he said, that a Cavalry man came up, and cut at him, and he warded that off with his stick; and then up came a man of the 15th Hussars, and cut him over the elbow; and that was what gave him his cut.

Q. I mean, did the doctor examine any other parts of his body or did he take his coat off?

A. He had his coat off, and his shirt sleeve up.

Q. Did he mention any other part about him that was wounded?

A. No.

Q. Did the doctor examine any other part?

A. No; not that day, in my presence.

Q. Did you see him at any other time than on that day?

A. No.

Q. What did the doctor do to it, in your presence?

A. He laid a plaister upon it, and lapped it up, and told him to come again the next day.

Q. What were you doing there?

A. I went for something for myself, as I was poorly at that time.

Q. Did Lees appear ill, or well?

A. He looked very white in the face, and seemed to me to be very poorly.

Q. Did Dr. Earnshaw give him any medicine to take?

A. No.

Q. Did he bleed him?

A. No.

Q. And nothing happened more, but what you have said?

A. No, not on that day.

Q. And you never saw him since?

A. No.

The WITNESS examined by Mr. BARROW:

Q. Did he say nothing more to him, than that he was to come again the next day?

A. No.

The WITNESS cross-examined by Mr. HARMER.

Q. About what o'clock was this?

A. It was about ten o'clock in the morning.

Q. You say that he appeared very pale in the face, and very poorly?

A. Yes.

Q. Did he state what man cut at him, when he warded the blow off with his stick?

A. No; he did not mention any name; but he said that he warded that blow off with a stick; and then came one of the 15th Hussars, and cut him, and that dropped him.

Q. Is it usual with country people, when they walk a distance, to take a stick with them?

A. Yes.

Q. I observe, you have one yourself now?

A. Yes, I have.

Q. And a pretty stout one, I think?

A. Yes; I brought it out with me as a walking stick, and I shall carry it back again, I expect.

Q. There is nothing very extraordinary, I believe, when a person is going to walk eight or nine, or ten miles, for him to take a walking stick with him?

A. No.

Q. It does not follow, when a man takes a walking stick out with him, that he necessarily takes it out for the purpose of assaulting people?

A. No.

Mr. HARMER—Because there has been an insinuation of that sort.

The WITNESS examined by the CORONER.

Q. Had John Lees a stick with him when you saw him on the day following—the day after the Meeting?

A. No.

Mr. HARMER—No, I suppose not: he was just at home then. But my question was, Whether it is not usual for people to carry a stick when they walk a distance?

The WITNESS examined by Mr. BARROW.

Q. Lees walked off before you?

A. Yes.

Q. Did you see any thing particular in him?

A. No; only what I have said. He had his hand in his waistcoat, in this way. (*Here the witness thrust his hand into his bosom, in a manner that his waistcoat would answer the purpose of a sling.*)

Q. Then he had no sling at that time?

A. No; none at that time.

Q. Was his coat sleeve open? Was the seam ripped up?

A. No.

Q. Did you see him pull his coat off?

A. Yes.

Mr. HARMER—I now propose, Mr. Coroner, to call Mr. Buckley.

Mr. WILLIAM NORRIS BUCKLEY was here called in, and was again sworn by the CORONER; examined by Mr. HARMER.

Q. Have you at any time, Sir, since your first examination, had any conversation with any member of the Manchester Yeomanry, relative to the firing of a pistol?

A. Yes.

Mr. BARROW—Before this witness is examined, I hope, Mr. Coroner, that you will first enquire whether he has been in the room during the examination of any of the other witnesses.

The CORONER (*To the Witness*)—Have you been in court since your first examination?

A. I have attended the proceedings of this Inquest ever since the commencement of the business, when I had time.

Mr. BARROW—Then, Mr. Coroner, I object to this witness being examined, because it is a complete contradiction to your rule.

The CORONER (*to the Witness*)—Certainly you cannot be examined, after you have been in the room; because, I made an order to that effect before.

Mr. BUCKLEY—Before I quit the court, Sir, I trust I may be allowed to bring to your notice, a publication which has appeared in the *Courier* Newspaper, and in which I have been most villanously traduced by some anonymous writer in that paper.

The CORONER—I cannot hear it.

Mr. BUCKLEY—I trust, Sir, that as my character has been attacked, with respect to the evidence I gave before your Court, that you will allow me here, in the face of your court, to rebut the foul calumnies that have been aspersed against my character.

The CORONER—I really cannot; and I will tell you why: You are not the only person that is traduced and slandered by the public papers. Evil speaking, lying, and slandering, are the order of the day; and I do not mean to confine that observation to one paper. I heard yesterday, that I was traduced, and that my conduct was widely belied: and I fancy, various people are, beside myself:—but we cannot have the proceedings of this court interrupted by refuting such calumnies here. I would not do it, with respect to myself, and I cannot suffer it, with respect to any other gentleman.

Mr. BUCKLEY—I only wish, Sir, to point out to you the flagitious slander that has been published in this paper (*holding up a Courier*) with respect to me.

The CORONER—I really cannot. I have done all that was in my power to prevent these things, which are most infamous. I restrained the papers, as much as I could, from publishing the proceedings of this Inquest, until after the final result of any proceedings that might result out of it. I made an order, that none of the proceedings should be published in any paper, until this investigation should be closed: My order also extended to this, that if any trial arose out of this Inquest, the proceedings were not to be published until after that trial, because it would be illegal, and contrary to a decided case.* I wish I could manage the controul of the papers; but some of them have infringed my order, contrary to law, and they may depend I will see that the law is enforced.

Mr. BARROW—It is very improper on both sides.

Mr. BUCKLEY—I trust, Sir, that you will allow me here to state

* Rex v. Fleet. 1 Barn. and Ald. Repts. 379.

openly, a full refutation of the aspersions of my character, which appeared in the *Courier* of the 7th October.

The CORONER—I had rather not. If we enter into inquiries of this sort, we shall never have done.

Mr. BUCKLEY—Then I take leave here openly, to state, that the man who is the author of this unfounded attack on my character, is a malicious liar and an infamous scoundrel.

The CORONER—I think the Editor of the Times newspaper is the same; and I told him so yesterday.*

Mr. BUCKLEY—The infamous tissue of slander to which I allude, is in a letter, signed “LICINIUS.”

[Here a burst of hisses and indignation at the lower end of the room disturbed the proceedings.]

The CORONER—Turn these people out.

JOSEPH PRESTWICK called in, sworn and examined by the CORONER.

Q. What are you by trade?

A. A weaver.

The CORONER—Now Mr. Harmer go on. But this witness is not to prove the general character of the Meeting, because we have had enough of that.

The WITNESS examined by Mr. HARMER.

Q. You must not state any thing as to the general character of the Meeting; and therefore abstain from that. But I ask you whether you saw on the ground, any person or persons cutting others?

A. I can identify young Oliver, and Samuel Harrison.

Mr. BARROW—But when, and where?

A. About twenty yards from the hustings.

Mr. BARROW—Then this can't be evidence.

The CORONER—It certainly is not evidence.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Were they cutting the people?

A. Yes; and I identify another of them, who was cutting the people.

Q. Who was that?

A. Thomas Redford.

The CORONER—Unless this witness saw John Lees cut, this is not evidence.

Mr. HARMER—But you said, Sir, that you would receive evidence of the conduct of the Yeomanry near to the hustings.

The CORONER—But this was twenty yards from the hustings.

* It is presumed the Coroner supposed Mr. Ross was the Editor of the Times.

The WITNESS—Redford was not cutting twenty yards from the hustings.

The examination of the Witness resumed by Mr. HARMER.

Q. How far was he cutting from the hustings?

A. According to my thinking, he might be ten or fifteen yards from the hustings.

The CORONER—That won't do.

Mr. HARMER—Will you not allow me, Sir, to prove the conduct of the Yeomanry near the hustings? I apprehend that this falls strictly within that rule, which you *last* laid down, relative to the reception of evidence, of what was done *near* the hustings—Surely this is *near* the hustings.

The CORONER—I won't hear it, unless it was *at* the hustings.

Mr. HARMER—But, Sir, all these men came up in a body. It has appeared that they were not all at the hustings the same moment; but I contend that the act of one is the act of all.

The CORONER—Where do you prove that John Lees was cut?

Mr. HARMER—That he was cut is manifest; that he was cut near the hustings, is also clear; that he was cut by one of the Manchester Yeomanry, I contend, is clearly established. Then do you mean to say, Sir, that the whole body are not equally culpable?

The CORONER—What body?

Mr. HARMER—Why, Sir, the body who came up to the hustings, cutting indiscriminately, right and left—the Manchester Yeomanry.

The CORONER—There has been no such proof.

Mr. HARMER—I beg your pardon, Sir; and if you deny it still, I will ask this witness.

Mr. BARROW—It is in proof that a man, named REDFORD, did cut; and if I understand Mr. Harmer's argument rightly, it is, that that man REDFORD may be fairly supposed to be the man who cut John Lees. Such an inference I can not allow to be law.

Mr. HARMER—I do not put it as an inference, but I have read my cases to prove, that the act of one is the act of all; and I call upon you to shew, if you can, a single case which controverts the proposition I have laid down. I say, that if a body of persons come up to a multitude, peaceably assembled, and make an assault upon them, that body is answerable for every individual act, that may be committed by any one among them.

The CORONER—We have ascertained to day, that John Lees had been wounded. How he came by his death, is the only question we are now inquiring into. Then a general investigation, totally beside any injury he might have received, cannot be admissible.

Mr. HARMER—I have submitted to you, Sir, cases wherein the written law of the land is declared by the first Judges that have

hitherto presided. Need I again state that law? It is, that where a number of persons conjoin for the commission of any illegal act or acts, the proceeding of the one is the proceeding of the whole.

The CORONER—I have heard all that over and over again; and it doesn't apply to this. I wish the time of the Court not to be wasted in this kind of way. You have addressed this kind of argument a great deal too much, and I don't wish to hear any more of it.

Mr. HARMER—I don't wish to say any thing offensive; but I must say, I do not care what you *wish*, when your *wishes* are inconsistent with what I conceive to be justice.

The CORONER—I decide that this is not evidence. If I decide wrong, you have your remedy, you know.

Mr. HARMER—I know I have; but it becomes me, in the situation in which I stand here, to submit to you, every thing which I conceive I am bound to submit, for the advancement of the interests of my clients.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Did the trumpeter precede the main body of the Manchester Yeomanry?

A. Yes; he did.

Q. Was he by himself?

A. Yes.

Q. How many persons do you suppose there were upon the ground.

A. I suppose there were eighty thousand.

Q. Were they closely embodied together?

A. They were.

Q. And did the Manchester Yeomanry rush into them?

A. They did.

Q. Did they cut at every person that—

The CORONER—Mr. Harmer, I have told you over and over again, that this is not evidence. I have heard your attempts to introduce this sort of evidence frequently, and I have suppressed it, as much as possible.

Mr. HARMER—Sir, it is my duty to produce every witness, who can elucidate the fatal events of the 16th of August, and I must and will produce those witnesses. It is for you to reject or receive their testimony, as your own prudence shall suggest.

The CORONER—I will take care that I will not sit here, for you to produce five hundred witnesses.

Mr. HARMER—Sir, I must proceed in that course which I feel to be my duty, and you will interrupt me when you consider I am irregular, and to your decision, I must submit, whether I consider I am irregular or not.

The examination of the WITNESS resumed by Mr. HARMER.

Q. You saw the men, you have mentioned, cutting the people ?

A. Yes, I did ; and can identify others.

The CORONER—I shan't admit it.

The examination of the WITNESS resumed by Mr. HARMER.

Q. How many others did you see cutting the people ?

A. I saw Oliver cut three people, and I saw Harrison cut a woman in the breast.

Mr. BARROW—I understand that a great many of the witnesses, as well as the present witness, are to prove circumstances which transpired either previous to, or later than the proceedings, with respect to John Lees. Now it was stated at Oldham, and I repeat the same doctrine, that, supposing this case was to be tried by a Judge, certain principles must necessarily prevail. In general, in all the cases that I have known, the Judge has refused to receive evidence of a certain class, unless evidence as to a principal has been produced. In this case, a certain class of evidence has been produced. It has been objected to, because a principal was not proved to exist. It has been rejected, because it has been contrary to the decision of this Court, and still it has been produced.

Mr. HARMER—I have a great many witnesses, to prove a variety of facts which I submit are evidence.

The CORONER—You have been heard once. How often are you to be heard ?

Mr. HARMER—Until I am understood, I trust, Sir.

Mr. BARROW—You can tender your bill of exceptions to the Coroner's decision.

Mr. HARMER—I trust I shall be heard until I am understood, and when I am understood, I think you will allow what I state, to be law.

The CORONER—I have decided three or four times at Oldham, and also here, that this is not evidence.

Mr. BARROW—The gentlemen can tender his bill of exceptions, if he chooses.

Mr. HARMER—But Sir, the objects of justice will not be answered by that. Mr. Barrow taunts me with “a bill of exceptions,” which he knows cannot in this court be tendered. But if it could, of what avail can that be ? The Jury ought to have the whole case before them.

The CORONER—You have nothing to do with the Jury.

Mr. HARMER—I am aware of that, Sir ; but is the Jury to be compelled to give a verdict against certain persons by name, and others unknown, when I can furnish them by evidence with the

names of all those who were actively employed in cutting the people. Surely they ought to have that information, if it is attainable, which can enable them to give a full and complete verdict.

The CORONER—You are not compelled to give it in evidence in any way; besides, what have you got to do with the Jury? I told you before, that you interfered too much with them, and you are now interfering with them more than you ought. They are not compelled to receive evidence of persons unknown. I say they are not compelled at all to give any particular verdict.

Mr. HARMER—They are compelled to give a just verdict, Sir, after hearing all the evidence which can be adduced.

The CORONER—They are not to be compelled at all.

Mr. HARMER—I beg your pardon, Sir. I mean nothing in an offensive sense, but they are compelled to give a verdict according to their own consciences; and, to enable them to form a correct judgment, I wish to give them every information possible; and the Jury will, when possessed of all the facts, follow the dictates of their own consciences, and give a verdict, which will satisfy the justice of the case, and the expectations of the public.

The CORONER—I hope so, without any compulsion.

Mr. HARMER—I hope so too.

The CORONER—Well, I decide that this is not admissible evidence; and you knew it days ago, and you yourself well know it is not evidence.

Mr. HARMER—I beg your pardon, Sir. I know it is evidence, and legal evidence; and I must tender it.

The CORONER—And I must reject it. Now call your next witness.

JAMES WALKER called in, sworn, and examined by Mr. HARMER.

Q. Where do you live?

A. No. 7, Edge-street.

Q. What are you?

A. I am a dyer.

Q. Were you on St. Peter's field on the 16th of August?

A. I was.

Q. Were you there at the time the Manchester Yeomanry Cavalry entered the field?

A. Yes.

Q. State what you saw then?

The CORONER—I object to that.

The WITNESS—I saw Harrison and others of them cutting the people right and left, and—

The CORONER—Stop! Stop! Sir, that is not evidence. Did you know John Lees?

A. I understand I have a right to tell all I saw.

The WITNESS examined by the CORONER.

Q. Did you know John Lees ?

A. I understand I have a right to tell all I saw.

Q. No, you have not. I ask you, did you see any man wounded near the hustings, that you know, or have reason to believe was John Lees ?

A. I do not know John Lees.

Q. Did you see any person wounded, that you believed to be him ?

A. I can't say that.

Q. Did you see any person wounded near the hustings ?

A. I saw several persons wounded near the hustings.

Q. What distance from the hustings ?

A. About five yards, at the north end.

Q. Where were you standing at that time ?

A. I was coming off the north end of the hustings. I was leaping from them.

Q. Do you call that the north end, which was towards Peter's-street ?

A. Yes.

Q. After you had leaped off the hustings, what did you do ?

A. I made the best of my way through, with a coloured flag.

Q. What time did you leap off the hustings ?

A. Directly after Hunt and Johnson delivered themselves up.

Q. And where did you go ?

A. I ran in a direction towards Peter's-street.

Q. Did you reach Peter's-street ?

A. No ; I reached a kind of a ridge, and then I got brought down. I had the flag trailing behind me ; and the Cavalry trod upon the staff, and broke it, and brought me to the ground.

Q. Did you get to St. Peter's-street afterwards ?

A. I will tell you, if you will let me.

Q. If you will answer my question, I dare say it will come to what you wish to come at. Did you get any distance without any further interruption ?

A. Yes ; I got about fifty yards without interruption.

Q. Did you get to Peter's-street ?

A. Yes.

Q. How long were you detained when this interruption took place ?

A. Not long. Nearly a minute.

Q. Did you lose your colour there ?

A. I did.

Q. Did a Cavalry man take it from you ?

A. I don't know who took it.

Q. Then you did not stop any where from the time of your quitting the hustings, to the time of your getting fifty yards from them?

A. No. I suppose it was fifty yards from the hustings.

Q. In what part of the field was it that you saw any persons wounded?

A. Immediately, on my leaping from the hustings, I saw two persons wounded.

Q. In what part?

A. I can't tell you; only I know that one was bleeding on the right side of the head, by the temple; but where the blood flowed from, I cannot tell.

Q. Where did you see any other person wounded?

A. When I was down upon the ground, three of the Yeomanry Cavalry came galloping up,—

Q. Stop! stop! Will you attend to my question? Who asked you any thing about Yeomanry Cavalry galloping up?

A. And there I saw a person that was down; and he tried to get up, but he could not stand.

Q. Might he not have had his leg broken, without being wounded?

A. I call that a wound.

Q. What do you call a wound?

A. Why, if a man has his leg broken.

Q. Do you say his leg was broke?

A. I can't tell.

Q. Did you stop to see him get up?

A. I did not see him get up; but he tried to get up, and fell down again.

Q. You saw no other wound upon any other man?

A. No, not near the hustings.

Q. These people were upon the ground when you jumped off?

A. Yes.

Q. Did you see any persons give these wounds to this one man?

A. I did not.

Q. Nor where he was wounded, you don't know?

A. No; I do not know where he was wounded, but the man lay there groaning.

Q. Perhaps you can tell how that man was dressed?

A. He had a velveteen coat on. That was all I noticed.

Q. Then these are all you know of, being wounded within ten yards of the hustings?

A. I saw it within a few yards. I suppose ten might be the extent.

Q. After you got to Peter's-street, what became of you?

A. I did not get to Peter's-street then.

Q. You did get there, though, afterwards?

A. Yes; but I saw—

The CORONER—State nothing but what is evidence. A great deal that you have now stated, is not evidence.

A. I understand, that by the laws of this country, I have a right to tell all I saw transacted.

Mr. HARMER—Certainly you have a right to state what you saw on the field that day.

A. I understand so, by the laws of this country.

The examination of the WITNESS resumed by the CORONER.

Q. Who declared those laws to you?

A. I have seen them myself.

Q. If you choose to answer such questions as I put to you, very well; but if not, you must go out of the room. Now I ask you again, after you got into Peter's-street, what became of you?

A. I made the best of my escape home.

Q. What time did you get home?

A. I suppose, I got home in ten minutes after that. I was not long in reaching there.

The CORONER—This, in my opinion, is all that is material to ask this witness.

The WITNESS examined by Mr. HARMER.

Q. Were there any persons cut, to your belief, near the hustings?

The CORONER—I will not admit that.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Did you see other persons cut near the hustings?

A. No; not near the hustings.

Q. Can you tell me the names of those two persons who were cut?

The CORONER—He said he saw none cut.

The WITNESS—I beg your pardon, Sir, I did not say so.

The CORONER—I asked him, and he said he never saw them cut or wounded.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Did you see any persons cutting, at the hustings, with their swords?

A. If I had been permitted to state what I could, I would have done so at first.

Q. Well, did you see any persons cutting at the hustings with their swords?

A. I did, Sir.

Q. I ask you the names of all those who were using their swords at the hustings.

A. Samuel Harrison and Thomas Shelmerdine were using their swords at the hustings.

Q. Were there other persons in the same dress, and in their company, also using their swords?

A. Yes, there were; and HARRISON made a lunge at me, and then he said, "*there is that villian Saxton; run him through.*" HARRISON first made a lunge at me, and then he said, "*there is that villian Saxton; run him through*"—and HARRISON's horse would not stand still, and SHELMERDINE made a blow at him.

Q. Was your attention, after that, directed to your own safety?

A. It was; and with that view, I made my escape with the colour.

The WITNESS cross-examined by Mr. BARROW.

Q. When were you first told to attend here?

A. This morning.

Q. You never heard you were to attend here before this morning?

A. Not at this house.

Q. When had you orders to attend at Oldham, then?

A. I attended at Oldham last Saturday week, for the first time.

Q. When did you first tell the story that you have been telling here now?

A. I gave in a statement immediately after, to Mr. Johnson's office. But I have not been permitted to tell all I know. How is that?

Q. What did you give to Mr. Johnson, did you say?

A. I gave in my deposition at Mr. Johnson's shop.

Q. You said "Office," before?

A. But I meant shop.

Q. When was that, think you?

A. Directly after. It was on the Wednesday, the day next but one after the Meeting.

Q. What were you doing at this meeting?

A. I went there along with the rest.

Q. Are you a Manchester man?

A. I am.

Q. What colour was it you endeavoured to take away?

A. It was a light colour.

Q. Did it belong to the Manchester people?

A. I don't believe it did.

Q. Did it bear any inscription?

A. I don't know. I was just jumping down, and I seized hold of it as it hung over. I did not look whether it had an inscription, or not.

Q. Then it seems you were stealing a colour belonging to other people?

A. I beg your pardon; I was preventing it from being stolen: they had no business to take it.

Q. Was it not a colour, pray, which you had been carrying to the meeting?

A. I carried none. I met a body of people, and I considered that all the colours with them belonged to the same body.

Q. I thought you had a share in it?

A. I had no share in it; but I thought it was my duty to preserve the colours as far as I could, when they were attempted to be stolen by these armed ruffians.

Mr. BARROW.—That is pretty language.

Mr. HARMER.—It is very good language, and strong and applicable language.

Mr. BARROW.—It is strong language, certainly.

[*Mr. Ashworth here entered the room.*]

Mr. ASHWORTH.—I don't know, Mr. Coroner, whether you will suffer such language as this to be used in your Court.

Mr. HARMER.—The learned Counsel, perhaps, did not hear the charge that was made by Mr. Barrow against the witness, which occasioned it. He was charged with stealing this flag.

Mr. ASHWORTH.—Suppose he is charged with stealing it, still I say, that this is not language which, in a Court of Justice, is to be endured. Mr. Ferrand is just as much a Judge of this Court, and entitled to decency and respect, as any Judge in the land. Such language is extremely improper, either on the one side or on the other.

The Cross-Examination of the WITNESS resumed by Mr. BARROW.

Q. You say, that in carrying away this colour, it was taken from you? You don't pretend to have been hurt, do you?

A. My attempt to take it off was good, and I thought to have escaped without a hurt, but I did not escape entirely.

Q. Why did you not state that before?

A. Because I was prevented, and I was told only to answer such questions as were put to me.

Q. Perhaps you were hurt?

A. I was.

Q. Very much?

A. Not very much. If I may state the case, I will tell you all about it. I have been told only to answer such questions as are put to me; but with due deference to the Court, I think I have a right to state all I know.

Mr. ASHWORTH.—You have no right to apply the term *ruffian* to any person.

A. Why, they were not gentlemen.

The WITNESS examined by the CORONER.

Q. You once told me, upon your oath, that you saw no man wounded near the hustings?

A. No, I did not. I told you I did see a man wounded near the hustings.

Q. Well, you have said you did not see the wound inflicted. Is that true, or not?

A. I did not see the wound inflicted; but I did not say that I saw no person wounded. I did not see any person actually wounded; but I saw them after they were wounded, at a small distance off the hustings.

Q. But you did not see the wound inflicted?

A. No.

Q. When you have said, you saw them wounded, what do you mean by saying, you only saw them after they were wounded?

A. I saw them after they were wounded.

Q. Do you mean to say that you saw any wound given near the hustings?

A. No: but I saw there attempts made.

Q. Then the utmost you mean to swear is, that you saw some people after they were wounded?

A. But I have got more to state than that, as to what happened at the hustings. That is what I have to state.

Q. You saw one man down; but you don't know whether he had a wound upon him, or not?

A. I know he could not stand.

Q. Do you mean to state, that you saw these two people, *Harrison* and *Shelmerdine*, wound any body?

A. I don't know that I saw *Harrison* wound any body, but I saw him attempt to wound both me and Mr. Saxton; and if I had not jumped back, I am sure he would have cut me. I saw *Shelmerdine* inflict a wound upon a person afterwards.

Q. Near the hustings?

A. No.

Q. Then this is the conclusion of your evidence, that you neither saw *Shelmerdine* or *Harrison* wound any person at the hustings? Which was it that attempted to strike at you?

A. *Harrison*.

The CORONER.—That is all I ask you.

The WITNESS.—But I have not stated all I know. I saw different men wounded after that.

The CORONER.—You are told, it is not evidence. Go about your business.

[*The Witness withdrew, muttering.*]

The CORONER.—I do hope, Mr. Harmer, that you will call witnesses who can prove something that is evidence; and I now desire, that I may see in writing what your witnesses are to prove, before I suffer you to examine them.

Mr. HARMER.—I don't know what they are to prove, Sir, until they come here.

Mr. ASHWORTH.—I do submit to you, Sir, that the time of the Court ought not to be wantonly wasted, as it has been, by witness after witness being called by this gentleman to state again and again that which is not evidence. It is the most disrespectful thing any body can do to a Court of Justice, time after time to produce evidence, and attempt to foist it upon the Court, when it is no evidence at all. I trust you will do that which, as it appears to me, it is your bounden duty to do. It is a duty which you owe to your own dignity, Sir; and it is a duty which you owe to the public, to put a stop to this kind of investigation, and to determine not to receive any more evidence from a person who has once insulted the Court, without seeing the purport of that evidence in writing before it is offered. You have again and again ruled, that this species of evidence is inadmissible, and still you are trifled with in the same manner. These are not times for Courts of Justice, and constituted authorities, to be irresolute; but you ought to take care that the respect due to you is observed: and I therefore do say, that you have a right—and that it is a duty which you owe to yourself and the public, to exercise that right—not to receive any more evidence from a quarter which has so often abused your indulgence, without seeing what that evidence is to be.

The CORONER.—I certainly concluded that some time since.

Mr. HARMER.—I certainly must agree with the learned gentleman, that a great deal of time has been unquestionably wasted in this inquiry; but it has been entirely from the long speeches the learned gentleman has made, to misrepresent that, which I say is the law of the land. I say again, that, according to the law of the land, all those important transactions which took place on the field, on the fatal 16th of August, and every thing a witness saw done by any person there, and by whom, is lawful evidence; and as long as there is a person who can throw any light upon the transactions of that day, I shall feel it my duty to call him.

Mr. ASHWORTH.—Give me leave to state, Sir, what it was the learned gentleman set out with asserting to be the law of the land. What was it? It was this—That every person who was present when an illegal act was committed, whatever the consequences might be that ensued, and though it was collateral to the main object that those persons had in view, all of them were bound by the collateral consequences of that illegal act, though all of them did not contemplate it, and the whole of those persons were to be deemed guilty of that collateral illegal act.

Mr. HARMER.—I did not say *collateral*, and I beg I may not be misrepresented.

The CORONER.—Is there to be no order or decency in this Court?

Mr. HARMER.—Surely, Sir, you do not mean to say, that it is an infraction either of order or decency to set the learned Barrister right. He is putting into my mouth the word *collateral*, which I never used; and I must be allowed to explain, when I am misrepresented.

Mr. ASHWORTH.—I certainly did understand the gentleman to say, that, whatever were the consequences of an illegal act, all who were present at the commission of that illegal act, whether connected with it or not, were principals.

Mr. HARMER.—No; what I said was this—That all the persons who came into this crowd with an evident determination to cut and hack the people, and were active in the general attack, although they did not and could not all inflict the individual wound on this person, still they are all principals. The whole body, who galloped or cantered in (as your own witnesses said) with their swords drawn, and cut among the people—every one of them, I say, is a principal; and I care not whether he struck this individual himself or not—I say, all are principals in the crime of murder, as to every death which was occasioned by their violence on that day.

Mr. ASHWORTH.—That is in fact assuming, what must be the subject of proof, namely, that all came in with intent to commit this illegal act.

Mr. HARMER.—I know it is, and I wish to go the proof; I am anxious to shew the acts done by every individual; because it is from their actions only that you can judge of the intentions of man: and again I say, all that came in cantering, and using their swords, are amenable.

Mr. ASHWORTH.—All who were cantering and using their swords, or were trotting, or at a foot pace—all in fact who came in, are to be guilty of murder.

The CORONER.—And the Magistrates and all, he has said.

Mr. HARMER.—Yes, the Magistrates who gave the order for this violent proceeding.

The CORONER.—Aye, and without the order.

Mr. HARMER.—I never did say so.

Mr. ASHWORTH.—Why, you change your law every moment.

Mr. HARMER.—I have never once changed it. I give my law from the books, and I defy you to answer it.

Mr. ASHWORTH.—I have answered it.

Mr. HARMER.—How have you answered it? Have you produced a single case to controvert mine?

Mr. ASHWORTH.—No, it was unnecessary; I answered them from the cases themselves.—(To Mr. Barrow.) Did I not?

Mr. BARROW.—Yes, you did.

Mr. HARMER.—Then I must have my books back again, to

allow the learned gentleman an opportunity of explaining how he renders the cases applicable to his doctrines.—(To his Clerk.) Here, fetch me my books back again.

Mr. ASHWORTH.—No, no; we are not again to go over that which is in fact *rem adjudicatam*.—(To the Coroner.) I will now tell you, Sir, in what way we stand; and I submit, that this is entirely a useless waste of time. I will tell you in what way this gentleman stands: and he stands in such a way, that it is impossible for him to go on, until he identifies some individual or individuals, either by name, or by person, or by description, that inflicted the blow or blows on the deceased; and then he may identify other persons who were aiding those blows, that were inflicted on the deceased. I will now cite an authority; and I will defy the gentleman to contradict me. Did we not prove, that the Yeomanry and the Soldiers were assisting the civil power in the execution of a warrant granted by the Magistrates? We did. Then I say, that Sir Francis Burdett's case* proves, that when persons take upon themselves the situation of Soldiers, they do not divest themselves of the rights of Citizens; and it was determined in that case, that a legal warrant might as well be executed by Soldiers, as by any other description of persons. I have proved that this was a warrant emanating from the Magistrates. Then comes the 24th of Geo. II.;† and in that it is said, that all persons employed to execute the warrant of Magistrates, supposing the other persons

This case was first in the King's Bench. It was an action brought by Sir Francis Burdett against the Speaker of the House of Commons for a trespass. The Defendant pleaded a justification, which was demurred to; and, on argument, judgment was given for Defendant. The Plaintiff then brought his writ of error; upon which the case was afterwards argued in the Exchequer Chamber, *Hil. Term*, 1812. It was then again decided, that to an action of trespass against the Speaker of the House of Commons, for forcibly, and with the assistance of armed soldiers, breaking into the messuage of the Plaintiff (the outer door being shut and fastened), and arresting him there, and taking him to the Tower of London, and imprisoning him there, it is a legal justification and bar to plead, That a Parliament was held, which was sitting during the period of the trespass complained of; that the Plaintiff was a Member of the House of Commons; and that the House having resolved, "That a certain Letter, &c. in *Cobbett's Weekly Register*, was a libellous and scandalous Paper, reflecting on the "just rights and privileges of the House; and that the Plaintiff, who had admitted "that the said Letter, &c. was printed by his authority, was thereby guilty of a "breach of the privileges of the House; and that for his said offence he should be "committed to the Tower, and that the Speaker should issue his warrant accordingly;" the Defendant, as Speaker of the said House, in execution of the said order so made by the said House, issued his warrant to the Serjeant at Arms, to whom the execution of such warrant belonged, to arrest the Plaintiff, and commit him to the custody of the Lieutenant of the Tower, and issued another warrant to the Lieutenant of the Tower, to receive and detain the Plaintiff in custody there, during the pleasure of the House: by virtue of which first warrant the Serjeant at Arms went to the messuage of the Plaintiff, where he then was, to execute it; and, because the outer door was fastened, and he could not enter, after *audible notification of his purpose, and demand of admission made*, he, by the assistance of the said Soldiers, broke and entered the Plaintiff's messuage, and arrested and conveyed him to the Tower, where he was received and detained in custody by the said Lieutenant of the Tower under the other warrant. *Vide Burdett v. Abbott*, 14 *East*. 1. 14 *East*. 134. and 4 *Taunt*. 401.

† This statute is only for the regulation of proceedings against Justices of the Peace, for any thing which they may be supposed to have done amiss in the execution of the duties of their office.

cannot all execute the warrant, shall be holden harmless, and in fact, on the production of the warrant, and evidence being given that they were applied to to assist, they shall be acquitted. And I say that this is the 24th of Geo. II.; and therefore I have established my point completely. But I will refer to authorities. I refer to Sir Francis Burdett's case, where Lord Mansfield † in the Court of Common Pleas, said, when Sir Francis Burdett had brought his action of trespass against the persons who had executed the warrant, that persons, in taking upon themselves the situation of Soldiers, don't separate themselves from the remainder of society, and don't strip themselves of their rights as citizens, and were just as much citizens as they were before they became Soldiers; and therefore he determined, that it was just as competent, where it was necessary, for Soldiers to execute a warrant, as for any other citizen of the land to execute it: that is Sir Francis Burdett's case. It is in the books, and is a case of great importance. It took several days in arguing, and it was argued by the present Mr. Justice Holroyd, and by every other person that the Court thought might contribute to its elucidation; and after all it was determined, that Soldiers had a right to execute any warrant. Then, whether this warrant was legal or illegal, Soldiers had a right to execute it, if it was necessary; because, whether it was legal or illegal, it was granted by a competent authority, and the persons who execute it are ministers of justice. Before an action can be brought for trespass, alledged to exist in the execution of a warrant, it is necessary for the party complaining to give notice to the person who executed the warrant, to produce it, and he shall have six days to produce it in; and if he refuse to produce it, the action may go on; but if he produce it, there is an end of the action altogether; and if, even after that, the case goes on, without the production of the warrant, the production of the warrant at the trial puts an end to the case. And therefore I say, that taking the case of Sir Francis Burdett, connected with the statute, all the military on this occasion were perfectly justified in doing every thing necessary to the execution of the warrant. I say, every thing that was necessary to the execution of the warrant; and I repeat it, that every thing was necessary which was done on this occasion. Were they not obstructed in the execution of the warrant? You have that in evidence.

Mr. HARMER.—I object to this; for it is nothing else but commenting on the evidence.

Mr. ASHWORTH.—I am only arguing the point. A point with respect to evidence can only be argued by reference to that evidence. I say, that if the people obstructed the officers in the execution of the warrant, those persons may be in fact dispersed, and sent away from the place where they so obstruct the execution of the warrant. They were not sent away until after the person was apprehended, against whom the warrant was directed; but,

* It is presumed, the Learned Counsel meant Sir James Mansfield.

after he is in custody, all persons who are there, and opposed the execution of the warrant, may be dispersed, and may be prevented from further opposition; and therefore I say, that unless the Learned Gentleman (whose pertinacity in this case, in calling witnesses to prove facts quite beside and totally unconnected with this investigation, is most extraordinary) proves something done to John Lees by some person or persons whom he identifies, he does nothing. If he knew any thing of the law on the subject, he would not contend the point as he does for a moment, because he would know, that persons legally employed in the execution of a warrant are protected by the law, as I have stated. Now, Sir, here is law; and let the Learned Gentleman contradict it, if he can. I say, that Sir Francis Burdett's case, connected with the 24th of Geo. II. completely puts him out of Court, with respect to the proposition that he contends for. If he were to bring even a thousand more witnesses, unless he shews that the military were exceeding their authority, and cutting down the person of the deceased, and destroying him, without any necessity for the purpose of executing the warrant—unless he does that, I say, his evidence must be confined to the person who actually struck, or who aided the striking of the person whose death is now the subject of inquiry before you. I assert this broadly; and I will not be driven from it. Here I make my stand; and I will not permit, as far as I am able to prevent it, the time of the public, and of Courts of Justice, to be wasted, merely for the purpose of creating a ferment and an effervescence in the public mind—to set man against man, and to point out individuals to be assassinated. I say, they can have no other objects but these, when they persist in calling witnesses to prove facts, which you have decided, over and over again, are not evidence. The law of the land says, that what was done was legal; and how can there be any necessity for persisting in this course? And yet I know it will be persisted in, and pertinaciously persisted in; and that, too, after your decision. I say, that they can have no other motives, but those I have described.

Mr. HARMER.—I say, it is most false; and I say, you know we have no such motives.

Mr. DENISON.—I say, Sir, that such an accusation against my friend Mr. Harmer and myself is false. I say, such an imputation is most infamous.

Mr. ASHWORTH.—It can have no other object. You can have no other motive.

Mr. HARMER.—I say, Sir, that accusation is most infamous. I appeal to you yourself, whether I did not communicate to you certain facts, which must convince you that I can have no such motives as those which you impute to me.

Mr. DENISON.—It is false; and you know it is false.

Mr. ASHWORTH.—I can't descend to have an altercation with you.

Mr. DENISON.—Descend! You will not descend! You have descended a great deal too low already, in daring to make such an accusation.

Mr. HARMER.—Your own head and heart will tell you, I am undeserving of that accusation, and incapable of the infamous conduct you describe. I say, *you know it*, because I mentioned a circumstance which would convince the most doubtful, that I have no such base motives as those which you have imputed to me.

Mr. ASHWORTH.—I do not mean any thing personal.

Mr. DENISON.—This attack was directly personal.

Mr. ASHWORTH.—I did not mean it so. I said, that the only object was, to promote, in fact, the worst of feelings between man and man, and to hold up individuals to hatred, and contempt, and assassination. I said, that is the only object it can have; and I say it again.

Mr. DENISON.—Will you dare say that out of this Court, Mr. Ashworth?

Mr. ASHWORTH.—I don't impute that motive to you.

Mr. DENISON.—You dare not say it out of Court.

Mr. ASHWORTH.—I am only now in a legal argument. I never attributed these motives to you, from beginning to end. I know you are here to do the best you can for your clients; but I say, your conduct has the effect I have described.

Mr. HARMER.—You know something further. You know that I have no wish to excite public feeling or indignation, beyond that which must necessarily arise, in eliciting the facts of this case: and I now publicly ask you again, whether I did not communicate to you in private a circumstance, which must convince you, that I have no such motives or intentions, as those with which you charge me?

Mr. ASHWORTH.—I believe you did mention to me some circumstance with respect to an individual, but I do not recollect what it was. I did not attend to it.

Mr. HARMER.—You ought to recollect it, Sir. It was of a nature to excite attention, and not to be easily forgotten.

Mr. ASHWORTH.—I am now only speaking of the effect. Cannot I argue on the effect of things, and cannot I say what must be the consequence of measures that are pursued, without being supposed to attack individuals?—without saying that individuals have these motives at all? But, in conducting public business, surely I may be allowed to comment upon measures, and upon the effects of measures, without implicating individuals. If the gentleman can, let him go on, and dispute the law as laid down in the case of Sir Francis Burdett, and in the 24th of Geo. II. All I want to see, is the fair and impartial administration of the law of the land. If the learned gentleman can once shew me, that the course he is pursuing is legal, I will yield my argument to his; but when you have determined, Sir, so repeatedly, that there is no legality in his proceedings; when you have determined, I say, that the evidence he has so often brought forward, is not admissible in law, nor connected with the investigation now before you, if that gentleman still continues to produce that evidence, I say, it will have no other effect than that which I have described. These

will be the consequences; and how are we in reasoning to judge of motives otherwise than by the effects produced from men's actions. We cannot enter into the soul of a man, to view the inward workings of his heart, but we must trace the motive from the consequence, and we must infer what the motive is, from the consequences produced. I say, I cannot go into the secret recesses of a man's bosom, to see all his views and objects; but when a man does things, as a public organ, and persists in pursuing them, though told they are illegal, I say, that whatever are the effects of such conduct, it is fair to presume, that he had such effects in view. I say, that these things which I have described, are the effects of this gentleman's conduct in this case; and what other object or design there can be in view, I cannot tell.

Mr. HARMER.—If Mr. Ashworth does not mean to attribute to me the motives which he has mentioned, I cannot understand why he should have used the language he did; but I do now again repeat, what he knows in his heart is true, that I have no design or motive, in what I am doing, to excite public feeling. I only want to obtain public justice. The learned gentleman knows this. I have told him so repeatedly, and I have challenged him to contradict me, if he can; but, instead of answering, he evades and equivocates.

Mr. ASHWORTH.—Now, Sir, the gentleman talks about something that he has said to me in private. He certainly has professed to me, that he does nothing from a private motive.

Mr. HARMER.—Yes, Sir, but I have not merely *professed*, for I told you facts which must convince you I had no private motive.

Mr. ASHWORTH.—I do not know what the case was, to which you allude. I do not recollect it at all; and, in fact, I did not listen to the case.

Mr. HARMER.—It was a case, Sir, that ought to have made some impression on you; it was a communication of a private nature.

Mr. ASHWORTH.—I have not repeated it.

Mr. HARMER.—I suppose not, Sir. You were aware it ought to be kept, as I had kept it, secret; which I should not have done, had my motives been such as you attribute to me.

Mr. ASHWORTH.—I have no objection to your now stating what it is.

Mr. HARMER.—You must be aware, Sir, that such conduct would be very inconsistent with an honourable mind; and that the same motive which induced me to forbear formerly, will still operate, whatever taunts or provocations I may receive to provoke me to a different course.

Mr. ASHWORTH.—Now, Sir, as to private motives, when this gentleman is doing his professional duty, I should suppose, he would not and cannot have any to gratify. I have been informed, by persons who know him intimately, that he is an exceedingly respectable individual, and I believe he is so; but I am only men-

tioning, what is *the effect* of the evidence which he produces, and not attributing to him the motive to produce such effect.

Mr. HARMER.—If you had only argued on the effect of things, I should have found no fault; but you said, that *the only motives* I could have, were those infamous ones, which you mentioned.

Mr. ASHWORTH.—I never mentioned any names.

Mr. HARMER.—But no person could have misunderstood to whom you alluded.

Mr. ASHWORTH.—When we are contending in Courts of Justice for the interests that we are to support, we are not to be supposed to be attacking individuals who are performing professional duties in those Courts.

Mr. HARMER.—If you say, Sir, that you do not mean what you have said to apply to me, or my friend Mr. Denison, I am satisfied.

Mr. ASHWORTH.—I never meant it. Advocates never mean to attribute to each other private motives in executing public duties.

Mr. HARMER.—Very well, Sir, I am satisfied.

I don't mean to contest the law as laid down in Sir Francis Burdett's case; but that case was very different from the one now under inquiry. If I recollect rightly, a warrant was issued to arrest the person of Sir Francis Burdett, which he declined submitting to. He locked up his house, and would not allow the warrant to be executed. The civil power had attempted to execute the process, before recourse was had to the military, and could not succeed. Is that the case here? Did the civil power in this case attempt to execute the process? No; it is not pretended. Even the man Nadin, who held the warrant, himself does not affect to say he made an effort to do it.

The CORONER.—I beg your pardon, he did.

Mr. HARMER.—I say, with great deference, he did not. On the contrary, he himself said, he did not attempt to execute it; and he assigned as his reason, that it would have been absurd for him to make the attempt. I say, the cases are as dissimilar as any two cases could possibly be. In Sir Francis Burdett's case, the house was broken open, in order to execute the warrant, and Sir Francis then brought his action for a trespass. The Judges determined, that if the warrant could not be executed by the ordinary civil power, it was competent to bring in a necessary force to execute it. But that force must be necessary, and the civil power must have made an effort to execute the warrant, before they shall presume to call in the aid of the military. But, I ask, did the military, on the present occasion, go merely to execute, or assist in executing the process? Did they not, on the contrary, according to all the evidence, even of your own witnesses, go at a canter into this mob, or crowd, which ever you please to call it.

Mr. ASHWORTH.—I have not used the word *mob*.

Mr. HARMER.—It has been called both *mob* and *crowd*.

The CORONER.—It was called *mob* by Mr. Buckley, your witness.

Mr. HARMER.—It is no matter by what witness it was so called; but it is agreed on all hands, that they went into the crowd at a canter. Is this the way to execute a civil process, even supposing they were justified in going in for that purpose? But God forbid the day should ever arrive, when, before the civil power of the country has made any attempt to perform its duty, the process of the law is to be executed by the soldiery! I say, God protect us from that day, when they shall have such a power entrusted to them! If such a practice is to be established or tolerated, nothing will be easier than for any vindictive Magistrates to grant a warrant against a few individuals in a multitude; and by calling in an armed force, under the pretext of executing it, give a licence for exercising military vengeance upon their unarmed brethren. I defy the learned gentleman to refer to any case, where the execution of a warrant by a military body in the first instance, without any attempt being made by the civil power, has been sanctioned by law. I say, that a military body preceding the civil power into a multitude of people, like that assembled on the occasion in question, even *gently*—and here they rushed in at a canter—is against the law of England.

Mr. ASHWORTH.—Let the learned gentleman shew me the law, which requires that the civil power must first attempt to execute the process.

Mr. HARMER.—I don't suppose that any text writer would be so absurd as to write down such a self-evident proposition; but I ask the learned Counsel again, to shew me a case, or even mention an instance, in which the military has been employed in executing a warrant, before any attempt was made to execute it by the civil power. I have already called to your notice the law, as laid down by Mr. Justice Blackstone, and by Mr. Serjeant Hawkins, and they both say, that nothing shall justify homicide but inevitable necessity. Where was the necessity for military interference, and military vengeance, in this case? The only two men remaining on the hustings, against whom the warrant was directed, are taken away without opposition. The law also says, that unnecessary power or force must not be resorted to and allowed, as a pretext to satiate private resentment. I say here, that this warrant must have been a pretext for that purpose; and it does not depend on the witnesses produced by me to bear out my assertion; every feature, every transaction, demonstrates the preconcerted determination to attack and destroy the people; for what is the evidence of Mr. Nadin? Why, instead of proceeding, with his constables, to execute the warrant, he actually draws them back from the crowd, in order that the military might go in; and from the manner in which this was done, can any one doubt that the space was made intentionally, for the Cavalry to obtain an *impetus*, and make their charge with the greater effect. Until the learned gentleman shews you some case to support the monstrous proposition that he here lays down, and which I am sure he cannot, I trust that you will allow me, Sir, to proceed with the evidence that I am bringing before you.

Mr. ASHWORTH.—In reply, Sir, to the objection which I made to a particular species of evidence, I cited the case of Sir Francis Burdett, and I pledge myself (and let him produce the case) that the case of Sir Francis Burdett is on all fours with this.

Mr. HARMER.—Read it, Sir, yourself; it is a case of your own suggesting, and you know I have no library here to refer to.

Mr. ASHWORTH.—I will shortly state what the case was, and I will bring it into Court afterwards. Sir Francis Burdett, in that case, had fortified his house, so that it was impenetrable to the civil power. The civil power ascertained, by inspection, and by nothing else, that it was impossible for them to execute the process, and they did not attempt it, after they saw by the preparations that had been made, that it was impossible. Is it not just the same in this case? Mr. Nadin tells you, that he walked up and down as far as he could, time after time, and saw the persons' arms were linked together, and that they had various instruments among them; one person had a part of an iron palisade, and the others had sticks and such instruments in their hands; and he considered the body impenetrable by the civil power. Is not that exactly the same as Sir Francis Burdett's case; where it was determined, that after the civil power had made an inspection, and had ascertained that they could not of themselves execute the warrant, they were warranted in taking the military with them to execute it, and to break into the house, which they actually did? They executed the process themselves. Here also the civil power executed the process. Mr. Nadin executed it, and he only took the Yeomanry with him to clear away the crowd, and for the purpose of protecting the civil power from such violence as they might expect from what they saw of the disposition of the multitude. Therefore, I say, that Sir Francis Burdett's case is a much stronger case than this; because here the military went hand in hand with the civil power, the military making an opening for the civil power to go up and execute the warrant. But Sir Francis Burdett was seized by the military, and conveyed by them through the streets of London, to the Tower. The military never interfered, or lifted their hands, until the persons who were to be apprehended by virtue of the warrant had been taken to Mr. Buxton's house; and therefore, I say, that this case is a much stronger case, as made out by me, than the case which was made out by Sir Francis Burdett; because there the military not only went in with the civil power, but actually executed the process. Therefore I say, that that case, in all its circumstances, so far from being much stronger than the one, which is now before you, completely justifies the Yeomanry Cavalry, and makes their proceedings perfectly legal. Sir, there is one wholesome maxim of the law, which has been a maxim in the law almost as long as the law has existed. It is, that the law compels no one to do that which is impossible. It is, in our dog-Latin, "*Lex neminem coget ad impossibilium.*" If it had been ascertained, as it was, that it was utterly impossible for the civil power to execute the warrant by themselves, they were not bound

to attempt it. The law would not compel them, the king's subjects, gratuitously to expose their lives to danger; and I say, that they were bound to do what they did, to prevent anarchy and bloodshed. I say, that in the proceedings that were adopted, this case is not so strong as that of Sir Francis Burdett's. The facts of that case bear me out in saying, that all that was done on this occasion was perfectly justifiable in law; and I say, that taking that case, and the 24th of Geo. II. together, they are unanswerable by the evidence that is attempted to be offered by the learned gentleman.

[Here some noise arose at the door of the room in which the Court was held.]

The CORONER.—What noise is that?

A CONSTABLE (*at the door*).—It is a man, will force his way in.

The CORONER.—Then bring him here.

Mr. NICHOLAS WHITWORTH was now conducted into the Court, in the custody of two Constables.

A CONSTABLE.—This man, Sir, will force his way into the room; though we fastened the door, to prevent any more people coming in.

Mr. WHITWORTH.—I wanted to come to speak to Mr. Denison.

Mr. HARMER.—Sir, we are now told that the door of this Court is fastened; I submit that this is an open Court, and that such a measure is illegal and unconstitutional.

The CORONER.—I will tell you what: I have had a great deal of interference and interruption from you, from the commencement of this business, and I have extracted from you, that you have never yourself known any other person interfere, in the way in which you have, upon any other Coroner's inquisition. I find that in consequence of granting an inch, you take an ell; and really I must say, that if you interrupt the proceedings in this way, I must be under the necessity of preventing you from speaking any more in this room.

Mr. HARMER.—Sir, I feel it my duty to submit, that you have no right to order this gentleman into custody.

The CORONER.—I do it for this reason, that he has interrupted the proceedings; and I will have no more interruptions.

Mr. HARMER.—He was coming in, Sir, for the purpose of communicating information to me.

The CORONER.—I doubt what he has said, and I know what the Constable means.

Mr. WHITWORTH.—I appeal to Mr. Bruce, who saw all that passed. I was coming in upon business to Mr. Harmer and Mr. Denison. Mr. Bruce was at the door.

The CORONER (*to Mr. Harmer*).—Why can't people send in messages or notes to you.

Mr. HARMER.—I don't choose to have communications conveyed to me in that manner; because I cannot trust any of the Constables delivering a message faithfully to me, and because one of them had the impudence to open a letter addressed to Mr. De-

nison when we were at Oldham; and though that circumstance was mentioned to you, you did not reprove that Constable.

The CORONER.—Are there any secrets in your notes then?

Mr. HARMER.—No, Sir; I have no secrets; *I wish* every thing to be exposed to public view; but I do not choose our notes to be open for the gratification of any person's impertinent curiosity. I am contending, that I have a right to receive information in Court, and no one is justified in interfering with the channels through which I receive my information.

The CORONER.—I have good information, that we have had evidence enough, and I have reason to believe the Jury think so; and therefore I think it my duty to stop the further adducing of evidence.

Mr. ASHWORTH.—Of this description, Sir.

Mr. HARMER.—Why, Sir, you are telling the Coroner what he means.

Mr. ASHWORTH.—The Coroner is not shutting my mouth from adducing legal evidence. I have a right to submit to the Coroner what is legal evidence.

The CORONER.—Mr. Harmer, I have told you a great many times, that this is not evidence; and two or three times you have said that you would not produce any more of it.

Mr. HARMER.—I beg your pardon, Sir; I never so said.

The CORONER.—I shall not stop my ears. And after that, you have brought five or six witnesses, of the precise same description that you said you would bring no more of, and you know I desired you to bring no more of that description; and after I had spent half an hour in investigating what a witness was to prove, I found out, and you admitted, that he knew nothing more than that evidence, which I said was inadmissible, and then you tendered to me in writing what he had to say; but you did not do that, until I had spent half an hour in investigating what he was to prove; and I told you then, that you must give me what the witnesses were to prove in writing, and I would look at it, and see whether what they had to say was admissible evidence; and you said you would adopt that course, but you did not.

Now, for the purpose of bringing this matter to a close (for I am sure we have spent time enough upon it), I now decide, that I will admit no more evidence from any of your witnesses, unless I first see what they have to prove, in writing.

Mr. HARMER.—I will not presume to say, Sir, that I can tell you what the witnesses can prove; but I can state this, that I have a great many witnesses here, who were present on the field on the 16th of August, and who saw several of the Yeomanry Cavalry cutting and wounding the people in various parts of the field.

The CORONER.—That is repeating the evidence which I have rejected.

Mr. HARMER. That is the evidence, Sir, which my witnesses have to prove.

The CORONER.—Now I have made this order; and let it be

understood, that I will receive no more evidence from you, unless I first see on paper what your witnesses are to prove. I will not suffer the time of the Court to be any further wasted.

Mr. HARMER.—I cannot do that, Sir. People may tell me verbally what they would not state upon oath; and I may put that in writing, which is either untrue or not evidence.

The CORONER (*after a pause.*)—What are your witnesses to state?

Mr. HARMER.—I tender to you the evidence of witnesses who will prove the conduct of the Manchester Yeomanry on the field. I understood you to say, the other day, that you would allow me to produce the evidence of any one who saw the Yeomanry cutting within a few yards of the hustings.

The CORONER.—Well, and I have had sufficient of it.

Mr. HARMER.—But I submit, Sir, that you are not to determine what is *sufficient*; you are bound to receive the evidence of *every one* who can prove the conduct of the Yeomanry on this occasion.

The CORONER.—Within ten yards of the hustings. You have not proved any one was wounded within that distance of the hustings.

Mr. HARMER.—But I have proved that the Yeomanry were cutting there.

The CORONER.—And when the witnesses were cross-examined, it turned out, that they did not know whether the Yeomanry were striking with the flat sides of their swords, or not. But now you have heard the rule I lay down.

Mr. HARMER.—What is the rule?

The CORONER.—I have told you.

Mr. HARMER.—I should like to be told again.

The CORONER.—Then I will not allow you to call any more witnesses, unless I first see in writing what their evidence is to be.

Mr. HARMER.—Then I decline giving in their evidence in writing, for the reason I have before stated. I do not know what they can prove.

The CORONER.—You have said so repeatedly, and I do not believe you. Until the witness Simeon Shaw was examined, I gave you credit for not knowing what the witnesses were to say until they were under examination.

Mr. HARMER.—I did not say that I did not know what *any* of the witnesses were to prove.

The CORONER.—Don't interrupt me. I say you did; and it appeared that Simeon Shaw had travelled with you in the chaise from Manchester, and had made communications to you in the chaise upon the road. It also appeared that Mr. Buckley, another witness, had been in your room at the Albion Hotel, in Manchester, and had seen the name of a particular person on your table, whom he pointed out in Court. I understood from you, that you did not know what the witnesses were to prove, and I gave you credit for telling the truth when you said but after that it came out,

that you had taken the examinations of witnesses, and now you own that what you had previously said, was not quite correct. I suppose you forgot yourself.

Mr. HARMER.—No, Sir; I do not shield myself under any such pretence as that. I am not in the habit of uttering falsehoods, or forgetting myself.

The CORONER.—One of the witnesses equivocated very much as to whether he had been examined before he came into Court, and it turned out that he had been examined by Mr. Denison, and afterwards it appeared that it was in Mr. Harmer's presence.

Mr. HARMER.—Allow me to explain, Sir. I do not wish to shield myself under any plea of forgetfulness; and when I stated that I did not know what a particular witness could prove, I stated what was true. I cannot examine or look into the testimony of every witness that I call. It is impossible; and I state now, as I have before done, that as to several witnesses, I did not know what they were to prove, when I called them. As to Simeon Shaw, I did not know what he was to prove, until in our progress to Oldham in the coach he related some few particulars; and then I only received his information verbally, for I had no opportunity of reducing any thing to writing.

The CORONER.—I beg your pardon; that is not correct.

Mr. HARMER.—I beg your's, Sir; and I insist that it is correct, and that the forgetfulness is on your part. There are a great many persons here who were present at the period alluded to, and they can judge whether my statement is correct, or not. I said, that I was reading my books as I came along, and could not pay particular attention to what he said. As to these persons that I am about to produce, I have not examined them. Their names are given in to me, with the names of those persons whom they can identify put against them; and this is all the information I have.

Mr. ASHWORTH.—Well, Mr. Coroner, you will decide.

The CORONER (*After a pause.*)—I determine now, that unless I see what evidence witnesses are to give on paper, before I examine them, I shall decline doing it.

Mr. ASHWORTH.—And that I understand is, Sir, from past abuse of your decisions.

The CORONER.—Yes; it is because Mr. Harmer has so frequently broken the rule that I made.

Mr. HARMER.—Well, Sir; I tender these witnesses (*handing in a list.*) In the first line you will find the names of those witnesses who are to be called, and against them are placed the names of the persons whom they identify; and I now propose to call William Quin, first.

The CORONER.—You have had time to write out their evidence.

Mr. HARMER.—I tender you, Sir, this witness.

[*The Coroner paused.*]

Mr. ASHWORTH.—If he will prove any thing done—any cut given about the hustings, I will be satisfied. That is what you call upon him to do, Sir; is it not?

Mr. HARMER.—I cannot say the witness will prove that, for I don't know.

The CORONER (*after a pause*).—You have had sufficient time to learn what the witnesses were to prove.

Mr. HARMER.—I can make no compromise of my duty, Sir. I tender to you the evidence of these witnesses. You will receive it, or reject it, as you think fit.

Mr. WHITWORTH.—Am I to be considered in custody, Mr. Coroner?

The CORONER.—Will you conduct yourself like a gentleman?

Mr. WHITWORTH.—I always do conduct myself like a gentleman. I came in to speak to Mr. Denison, by his desire.

The CORONER.—Well, you are discharged, upon condition of your quitting the Court.

Mr. WHITWORTH.—This is an open Court; and I won't go out, unless I am carried out.

[*Mr. Whitworth remained.*]

The CORONER (*to Mr. Harmer*).—You ought to know what all your witnesses can prove. It is a month since this business was commenced.

Mr. HARMER.—I know it is, Sir, unfortunately. A fortnight of that time I was in London, because the adjournments were such as have no precedent.

The CORONER.—And you complain of want of time.

Mr. HARMER.—Here is a witness present, named John Lees, whose evidence I now tender.

[*John Lees had been in the room for some few minutes previous.*]

Mr. ASHWORTH (*to the witness*).—Have you not been in the room?

A. Only during the discussion. Not more than that.

Mr. ASHWORTH.—Were you not here when the last witness was examined?

A. No.

Mr. ASHWORTH.—I understand, Mr. Coroner, that you will not receive evidence against any persons, who were acting on that day, unless they were guilty of excesses. I understand, you will not receive evidence against any one who was doing any necessary act; and I submit that no person is to be criminated, unless he was doing an act which was not necessary for the dispersion of the meeting. The law laid down in the case of Sir Francis Burdett, and the statute of the 24th of Geo. II. is a complete answer to any other evidence than that; and, in fact, evidence as to persons acting about the hustings, that is to criminate any one, must shew that that acting was in its nature excessive.

Mr. HARMER.—The Jury are to determine, Sir, whether the conduct of the Yeomanry was excessive, or not. That is a matter of evidence; and I am tendering witnesses to shew, that their conduct was excessive, and was not warranted either in law or common humanity.

Mr. ASHWORTH.—I say, that the Coroner, in summing up

to the Jury, will lay down his own law; and he has a right to do so.

The Hon. HENRY GREY BENNETT, M. P. entered during this last discussion, and had with much difficulty, from the immense crowd in the room, taken a seat next to Mr. Harmer.

The Coroner here went out of the room.

Mr. Ashworth left the room immediately afterwards.

Mr. Ashworth returned, after having been out precisely ten minutes.

The Coroner returned immediately afterwards.

The Coroner was now told, that one of the Jury had left the room, and that he was gone home.

The CORONER.—I don't wonder at it. I said I should adjourn early, you know.—(*To Mr. Harmer*) What is the name of your witness?

Mr. HARMER.—John Lees, Sir.

JOHN LEES examined by the CORONER.

Q. Your name is John Lees?

A. Yes.

Q. Of where?

A. Of Cheatham.

Q. What are you by business?

A. I am a pattern-drawer.

The WITNESS sworn, and the Examination resumed by the CORONER.

Q. What do you know respecting the death of John Lees?

A. I went to the field on the 16th of August; and I went up to the hustings, and I was there before Mr. Hunt came to the field, and I was there when he got on the hustings, and all was peaceable and quiet there.

The CORONER.—We have had enough of that before. I shan't examine you any more.

Mr. HARMER.—Then, Sir, I will.

The WITNESS examined by Mr. HARMER.

Q. What do you know as to any one being struck near the hustings?

A. But I say, that all the people were quite quiet and peaceable.

The CORONER.—Will you hold your tongue, Sir? I have told you, that we have had enough of that.

The Examination of the WITNESS resumed by Mr. HARMER.

Q. Now listen to me. Were you standing within ten yards of the hustings?

A. Yes, I was.

Q. Now, while you were so standing within ten yards of the hustings, did you see any person wounded with the swords of the Manchester Yeomanry?

A. Yes.

Q. Whom did you see wounded?

A. Myself.

Q. What, within ten yards of the hustings?

A. Yes.

Q. Did you see any body else wounded that you know?

A. I cannot identify any body else that was wounded but myself. I saw plenty down, and I saw the Manchester Yeomanry dealing it out with their sabres pretty liberally; and it was as much as I could do to take care of myself.

Q. You could not attend to other people, did you say?

A. No. I could not attend to other people's wounds.

Q. After you were wounded, what did you do?

A. The first time I was wounded, I was standing close to the hustings.

Q. I asked you, where you went after you were wounded?

A. I went away, but slowly; because the people could not get away for the crowd, if they were ever so inclined to go.

Q. Did you as soon as you could, go right away?

A. I went to the corner of Windmill Street, coming down to Deansgate.

Q. The corner next Deansgate?

A. Yes. And there three of them made an attack on me.

The CORONER.—I won't admit that; it is not evidence.

Mr. HARMER.—I submit Sir, that it is evidence. I say, it is one continued attack upon this witness; and when Mr. Ashworth produced a witness, named Booth, to prove that he was three times attacked, each of them at a considerable distance from the field, I objected to it; but Mr. Ashworth said, that the three attacks were all a continuation of one and the same attack, and then you suffered that witness to give evidence of what had happened to him at a distance of three hundred yards from the hustings.

The CORONER.—That was not evidence to accuse any particular individuals; but it was merely evidence to shew the disposition of the Meeting.

Mr. HARMER.—You took it down, Sir. Besides, this is evidence to shew the disposition of the Yeomanry.

The CORONER.—You, Mr. Harmer, called witnesses to shew the disposition of the Yeomanry; and I said, that unless it was contradicted, it would stand as it was; but if it was contradicted by a greater number of witnesses, I said, I would allow you to call witnesses to contradict them again. As far as numbers go, the witnesses are materially in your favour. But this is no testimony as to the death of John Lees; and therefore I cannot receive it.

Mr. HARMER.—I am going to see, Sir, whether it applies to the death of John Lees, or not.

The Examination of the WITNESS resumed by Mr. HARMER.

A. How long did you remain there?

I was wounded by Mr. Birley.

Mr. BARROW.—You were told, that was not evidence.

The CORONER.—Why will you give such things in evidence, when you are told such things are not evidence? It shews a very bad disposition.

A. It does not shew any such thing.

The Examination of the WITNESS resumed by Mr. HARMER.

Q. Now attend to me, and answer my questions. How long did you stand there?

A. I stood there about five or ten minutes, or a quarter of an hour. I can't exactly say which. I had no watch with me; and if I had, I had not time to look at it.

The CORONER.—I must now examine him.

The WITNESS examined by the CORONER.

Q. After that, what did you do?

A. Three of the Yeomanry rode up to me.

Q. I did not ask you about the Yeomanry. I ask you, what did you do?

A. They began cutting at me, and I fell down to save myself; and after they had gone, I picked myself up, and went home.

Q. I ask you, what you did after that?

A. I went home, after I saw what was going on, and when I perceived that they were dealing it out every where with their sabres.

Q. After you went home, did you return any more to the ground?

A. No; I did not.

The WITNESS examined by Mr. HARMER.

Q. Were you cut within ten yards of the hustings?

A. Yes.

Q. Can you identify the person who cut you?

A. Yes; it was Captain Birley.

Q. Was he with several other persons using their swords?

A. Yes.

Q. What number of them can you identify?

A. The Trumpeter Grimshaw, and Captain Birley, in the hole.

Q. Were they at the hustings at the same time, and using their swords on the people?

A. Yes, they were at the time I was cut.

Q. What do you mean by the "hole."

A. The hollow down in the bottom here (*pointing out the spot on the plan, near which the hustings stood, and which was the west part of the field.*)

[*During the preceding examination Mr. Ashworth again left the room.*]

The WITNESS cross-examined by Mr. BARROW.

Q. Do you know the names of any of the persons whom they individually cut?

A. The names of the people that they cut.

Q. Yes.

A. I don't know the names of any of them that they cut, but I saw them all lying down, all about.

Q. Have you any reason to believe that you saw, at or about the hustings, a man of the name of John Lees, wounded?

A. Yes; mine is that name.

Q. But you don't live in Oldham, you know.

A. No.

Q. Then I ask you, whether you saw a man named John Lees, concerning whose death we are now assembled to inquire, cut down, at or near the hustings?

A. I don't know the man; but he might have been my right-hand man who was cut down, for aught I know.

Q. But you don't know that the person, concerning the cause of whose death we are now assembled to inquire, was cut down near the hustings?

A. No, I do not; and I don't come to swear to that; but he might as well be cut down there, as me.

Q. Or he might as well not, you know?

A. I don't know for that.

The WITNESS examined by the CORONER.

Q. Do you mean to say, that you saw these persons inflict a wound on any persons near the hustings?

A. Yes; Captain Birley wounded me.

Q. You know that is not what I mean. Did you see them wound any other persons? and I will have an answer to my question.

A. Well, and I shall give you a correct one, as far as I know. They were all strangers about me; and I cannot swear to them being personally cut.

Q. You are cautious. Will you swear that there was any mischief done to them?

A. Yes; they did mischief to them.

Q. What mischief did they do?

A. Why, they might inflict wounds on them; I saw them cutting at them. To be sure they might cut their hats, or miss their stroke for what I know.

The CORONER.—Then confine yourself to the truth.

A. I do.

The CORONER.—If you were not to talk so fast, you would have more credit paid to you. You may now go.

[The witness retired.]

The CORONER. (to Mr. Barrow and Mr. Harmer.)—Are there any more witnesses to be produced?

Mr. HARMER.—My other witnesses are gone, Sir, I understand; but there is evidence yet to be produced, on the other side as to the warrant. The evidence which Mr. Nadin gave with respect to it, was only received *de bene esse*.

Mr. BARROW.—Certainly, the warrant must be produced, Sir;

but I did not think of producing it to-day, as I have only called country witnesses to day. I have not called any town witness to-day. But I will now prove the placard to which Mr. Owen spoke, if he is here.

[*Mr. Barrow now produced a large printed placard.*]

Mr. EDWARD OWEN re-called, and re-examined by Mr. BARROW.

Q. Is that the sort of placard, that you saw posted up against the walls, on the 16th of August?

A. Yes.

Mr. HARMER.—Will you be good enough to read it, that we may have the contents of it taken down?

Mr. OWEN *now read the contents of the placard as follows:—*

August 15, 1819.

“ The BOROUGHREEVES and CONSTABLES of MANCHESTER and SALFORD most earnestly recommend the peaceable and well-disposed INHABITANTS of this Town, as much as possible to remain within their own Houses during the whole of this day, August the 16th instant, and to keep their Children and Servants within doors.

“ EDWARD CLAYTON, Boroughreeve.

“ JOHN MOORE, } Constables.

“ JONATHAN ANDREWS, }

“ JOHN GREENWOOD, Boroughreeve of Salford.

“ JAMES COOKE, } Constables.

“ JOSIAH COLLINS, }

“ Printed by C. Williams.”

Mr. HARMER.—I see that there is no admonition contained in that, stating that the meeting would be unlawful, or that it was to be dispersed; therefore, it appears that you had a very good recollection of it, Sir.

ROBERT LANCASHIRE called by Mr. HARMER: sworn, and examined by the CORONER.

Q. Where do you live?

A. At Middleton.

Mr. HARMER.—I believe, Sir, that I can give you a statement of the evidence of this man.—(*Here Mr. Harmer looked among his papers.*)—I certainly took some minutes of this man's statement for his evidenec; but, unfortunately, I have not got them here.

The Examination of the WITNESS resumed by the CORONER.

Q. Were you at the meeting in St. Peter's field, on the 16th of August?

A. Yes.

Q. What time did you arrive on the ground?

A. About half-past twelve?

Q. What time did you leave the ground?

A. I cannot say, positively, what time it was.

Q. But, to the best of your opinion?

A. I count, that it was between three and four o'clock, or somewhere thereabout.

Q. Were you near the hustings ?

A. Yes ; I was near the hustings.

Q. Whereabouts were you ?

A. I was close to the hustings ; and I came here to *indemnify*, that I saw EDWARD MEAGHER cut a woman's breast open, who had a child in her arms ; and she fell down with the child, and I picked the child up.

Q. Who told you to come here to *indemnify* that, as you call it ?

A. I come here to swear that I saw it.

Q. Who told you to come here, and tell what you saw ?

A. I was told to come here, and tell the truth ; and I saw that man do this, and I come here to swear to it. That is what I come for.

Q. Who told you to come here to tell that, and nothing else.

Mr. HARMER.—He did not say he came here to tell that, “and nothing else,” Sir.

The CORONER.—I beg, I may have no interruptions. The witness is in my hands.

The Examination of the WITNESS resumed by the CORONER.

Q. You said, that you came here to *indemnify* that. Who told you to come here to *indemnify* that, and nothing else ?

A. I did not come here to *indemnify* that, and nothing else. Nobody told me to come here to *indemnify* that, and nothing else.

Q. Why did you say, then, that you came here to *indemnify*

A. Because I can prove it.

Q. Then you were not to identify John Lees ?

A. No ; I never saw him.

Q. When you gave me this information, I asked you how long you remained close to the hustings. You can *indemnify* that perhaps now ?

A. I was close to them.

Q. How long were you close to them at any one time ?

A. I was there half an hour the first time I went up.

Q. Was Mr. Hunt come upon the hustings at that time ?

A. He came up just at that time, when I went away on account of the heat.

Q. Did you go off on account of the heat, before Mr. Hunt got on the hustings ?

A. I was just coming off when he arrived.

Q. Then you went away from the hustings before Mr. Hunt got out of his coach ?

A. Yes.

Q. What distance did you go before you stopped again ?

A. About ten or a dozen yards at the back.

Q. Which do you call the back ? Do you mean towards Dean's Gate ?

A. I do not know Dean's Gate.

Q. Do you know Windmill street ?

A. No,

Q. Do you know the nearest way to the ground from here?

A. No: I do not. I only came there that day.

Q. And you were at the back, you say?

A. Yes.

Q. How long did you remain there?

A. I can't tell, I am sure. I remained there until they drove us away.

Q. Did you see any other person wounded, or any other wound inflicted close to the hustings?

A. Nobody but the woman I saw wounded.

Q. Answer my question. Did you see any body wounded within a yard or two, or five yards, of the hustings?

A. I did not.

Q. How distant from the hustings was the woman that you saw wounded?

A. Ten or twelve yards on the other side of the hustings; and I picked up the child, and gave it to another man. EDWARD MEAGHER was the man that did it; and I spoke to him while he did do it.

Q. Did you quit the ground after that, as soon as you could?

A. No.

Q. Where did you stand then?

A. I went and stood at the side of the Quaker's chapel.

The CORONER (*to Mr. Harmer*).—This is certainly not admissible evidence; and you must be aware that it was not admissible evidence, before you called this witness. I understood he came to speak to something with respect to John Léés.

Mr. HARMER.—You have heard him say, Sir, that he came to tell the truth, and the whole truth; and I contend, that every person who was on the field on that day, is not to be restricted in the evidence which he is to give. It is not lawful to restrict him, I say.

The CORONER.—He is to speak to things that are relevant, and not to things that are irrelevant.

Mr. HARMER.—I again must submit, Sir, that every person who was on the ground that day, is entitled, according to the law of the land, to prove all that he saw.

The CORONER.—I have heard quite sufficient of your law before; and I knew my duty before ever you did.

[*Mr. Harmer was here about to read the Act for the regulation of the duty of Coroners.*]

The CORONER.—I heard that before, and I was obliged to interpose to stop you in reading it; I have heard that Act a great deal too often.

Mr. HARMER.—Well, Sir, I hope the law of the land can never be too well, or too often impressed upon you.

The CORONER.—I will not suffer this interruption. You read part of that before. You asked me whether you might read it, and you told me that you were going to read it, to tell me my duty; and I told you I knew my duty.

Mr. HARMER.—Well, Sir, if you will not let me read the statute, I must call your attention to the case in *Plowden*, and the other cases I before cited.

The CORONER.—I think that this is very arrogant of you; and I desire I may not be any further interrupted.

Mr. HARMER. The Judges of the land, Sir, would never object to hear the law submitted to them, as it has been decided by their predecessors.

The CORONER.—After the Judges of the land had been treated by Mr. Harmer in the manner in which he has treated me, they would have no more of Mr. Harmer's company.

[*Mr. Ashworth had by this time again entered the Court.*]

Mr. ASHWORTH.—Now, Sir, as I have heard the Judges of the land talked of, I must say, that I think, if any Judge of the land had stated, that evidence of a particular description was not admissible, he would not suffer himself to be insulted by such evidence being over and over again tendered to him. I say, that a Judge is responsible, as you are, Sir, if he decide wrong; but I also say, that after a Judge has once decided, that a particular description of evidence was not allowable, I never in my life knew such an insult to be offered that Judge (and it is to be hoped that no Judge would suffer it) as for the same species of evidence to be again and again foisted upon him. I say, that it must be presumed, a Judge knows the law which he is entrusted to administer; and he is answerable if he does not do justice in the execution of that law. I say, he is answerable, if he acts corruptly in the administration of that law; and this inquest is liable to be set aside, and is liable to be made void, if the Coroner acts with injustice. The Coroner, therefore, with all these responsibilities about him, has decided again and again, that this is not legal evidence; and I say, that to tender it again and again, after that decision, with pertinacity, such as I never saw before, is the greatest insult I ever saw offered in any regular Court of Justice. I have been accustomed continually to trials in a Court of Conscience, and I am sure that this kind of conduct would not be borne there; and still this sort of evidence is obstruded upon you, though you have repeatedly declared your decision, that such evidence is inadmissible. You ought not to have made the decision, this gentleman says; and I submit, you ought not to have made it, unless you meant to abide by it. But I say, that another Court will tell you whether you are right, or whether you are wrong; and another Court will tell you what is right, if you are ignorant of the law of the land. You took upon yourself to say, "I decide so, because I am warranted by the law of the land in deciding so." Then, Sir, these proceedings are liable to be set aside if they are illegal; and you are liable to be called before a Criminal Court of Justice, if you voluntarily act illegally. But it is the greatest insult, for this gentleman to be continually persisting in that course, which you have decided is illegal.

Mr. HARMER.—I would ask the worthy Barrister, whether he believes there is any gentleman at the Bar, who knows his duty,

that would not insist upon reading the statutes of the land, when he conceived that the Judge before whom he was arguing, did not rightly comprehend him, and the position he was contending for? I would ask him, whether he has so contemptible an opinion of the English Bar, as to believe, that a Barrister would not insist upon reading a statute, where he conceived that the interest of his client demanded it? If such be his opinion, I say, for the credit and honour of the Bar, he is mistaken. In the first place, no Judge would utter such an interdict; and if he did, the Bar would be degenerate indeed, if no Counsel could be found to disobey it.

Mr. ASHWORTH.—To put a stop to this, Sir, I say, that if a Judge observed, that he knew the Act of Parliament that was attempted to be read, and that he was fully acquainted with its enactments, he would not suffer a Barrister to persist in reading that statute; and it would be an insult to persist in reading it. When a Judge takes upon himself to say, that he is acquainted with the case or statute that are set before him—that he has examined them, and thoroughly understands them; to persist in reading them before that Judge, would be a complete insult. It is for the Judge to say what he will receive, and what is necessary for his information; and I say, that no Barrister, knowing the deference which is due to a Judge, would persist in reading an Act of Parliament, with which a Judge said he was acquainted. I never knew a Barrister pursue such conduct in my life; and I say, that it can only be for the purpose of producing vexation and irritation.

The CORONER.—I beg leave to say, that this is not the point at all. When Mr. Harmer proposed to read this statute, he proposes to read it for the purpose of telling me my duty. Did you ever hear of a statute being read to a Judge, to tell him his duty?

Mr. HARMER.—I said, Sir, that that statute prescribed the duty of all Coroners; and I merely referred to it, to convince you that the legislature had directed the very description of evidence to be received, which you rejected; and I had therefore a right to presume that you had forgotten the enactments, and required to have your memory refreshed.

Mr. ASHWORTH.—Let the gentleman tender his objection. I desire it may be taken down. If the Coroner is wrong, let the gentleman appeal to another Court: that is the regular way of doing business. And the Coroner is not to have inadmissible evidence continually foisted upon him. It is great pertinacity, to persist in this course.

Mr. HARMER.—May I not read to you the statute, Sir.

The CORONER.—No, Sir; you may not.

Mr. HARMER.—Well, I can perfectly understand, Sir, your motive, in not suffering the statute to be read; but I want to know, why this witness is not be heard, as well as those which have been produced on the other side.

The CORONER.—I have already decided, that you must shew me in writing, what the witnesses are to prove, before I will examine them. I have examined this witness to every thing which I suppose to be admissible evidence. He tells you, he knows no-

thing but one fact. I asked him, who told him to come here and tell that fact; and if I had made him answer that question, I have no doubt that he would have told me, that it was you told him.

Mr. HARMER.—Sir, I agree, that you asked him the question that you are talking about; but he could not, consistently with truth, give you such an answer as you describe; and I beg you will compel the witness to give an answer to your question, that your unfounded suspicions may be removed, and my character cleared from your aspersions.

The CORONER.—I will hear no more.

Mr. HARMER.—But, Sir, no insinuations shall be cast upon me, without my rebutting them instantly.

Mr. BARROW.—Will you him ask the question yourself?

Mr. HARMER.—If that is put to me, I will, most cheerfully.

Mr. ASHWORTH.—I understand, Mr. Coroner, that you have decided, that nothing which was not done close to the hustings, is evidence.

Mr. HARMER.—Really, there have been so many determinations, and then alterations of those determinations, since I have been attending this inquest, that I really forget now what was decided. Will you have the kindness, Sir, to tell me what your decision is.

The CORONER.—I have repeated frequently, that, in consequence of the loss of time that has taken place, I shall receive no more evidence as to the character of the Meeting, unless I see you break in upon what their witnesses have proved. That was decided six times at Oldham.

Mr. HARMER.—You there told me, Sir, I should be allowed to bring witnesses as to certain facts which took place within a few yards of the hustings.

The CORONER.—I desired you to do that, and you directly called a witness, to prove what was done in Portland Street.

Mr. HARMER.—I beg your pardon, Sir; you stopped me in examining that witness.

The CORONER.—I have allowed your witnesses to prove a great deal more than ought to be proved; and I now desire you will produce some testimony which is evidence.

Mr. HARMER.—I conceive, Sir, that all the testimony which I have tendered to you, is evidence; but if you will allow me, I will bring to your recollection the testimony of the witness that you allude to, with respect to Portland Street.

The CORONER.—It is now nearly an hour since you began to interpose in this way, and I will not hear you any more.

Mr. HARMER.—But, I beg you will, Sir.

The CORONER.—No, I won't; because you begin altercations, and then you deny them.

Mr. HARMER.—But, Sir, if you will allow me, I will bring to your recollection the circumstance you allude to.

The CORONER.—Tell me when it was.

Mr. HARMER.—Why it was at Oldham. I called a witness, who was to prove that he saw the Manchester Yeomanry Cavalry in a particular place, from whence they galloped into the field.

While they were in that particular place, he heard certain expressions made use of by them, and you would not allow him to state what those expressions were.

The CORONER.—Had I not, days before that, allowed you to state, when the Yeomanry Cavalry had assembled in a certain street, what was done, what directions were given in charging, and what was to be done before they marched. Is there any necessity or use, in having that proved twenty times over?

Mr. HARMER.—It was a new fact, Sir; and it was because you allowed me to give that species of evidence before, that I was astonished when you stopped me as you did.

Mr. ASHWORTH.—If you will give me leave, I will tell you what I understand the Coroner to say is admissible evidence in this case. I understand him to say, that if you produce evidence of any body being cut near the hustings, by any person known or unknown, so that it may be taken that the person cut was the deceased, then that it is evidence; but if a witness comes here, and proves a blow was given to a woman, and not to a man, that cannot be applicable to the present inquiry; because we are now investigating the cause of the death of John Lees. If the person who struck him is known, and the person who is struck is a male, so that it might be John Lees; then if the person who struck him be one of the military, it perhaps might be an excess, and therefore evidence to that person so described is admissible: but if the person who is proved to have been struck is so described, either by name or by sex, that it cannot be John Lees, then I understand the Coroner to decide, that that cannot be evidence.

The CORONER.—Yes, certainly. Any thing that was afterwards done, either in Portland Street, or down by the Quaker's Meeting-House, subsequently to this man's receiving his wound, I say, is not evidence.

Mr. HARMER.—Then, Sir, I will endeavour hereafter to see the witnesses, and ascertain that such as I am going to produce, can prove admissible facts according to this rule, before I tender them.

The CORONER.—I think you stated a week ago, that you had exhausted that kind of evidence.

Mr. HARMER.—Oh dear! no, Sir.

The CORONER.—Why, you cannot prove that any wounds were inflicted near the hustings.

Mr. HARMER.—So far from that, Sir, I have not less than two or three hundred wounded persons that I could, if necessary, produce; and it is impossible that I could have said so.

The CORONER.—But are they wounded persons who were wounded at the hustings?

Mr. HARMER.—No, Sir; but they are persons who were coming from the hustings, and who were cut by the Yeomanry in their retreat, at or about the time that Lees was wounded.

The CORONER.—Now, you see, you are going to witnesses who were cut coming from the hustings, and not *at* the hustings.

Mr. HARMER.—Yes, Sir; and I submit, that their evidence is admissible.

Mr. ASHWORTH. Then, Sir, to put a stop to this, let the gentleman mention any number of witnesses that he thinks fit, to prove these facts, and that he has tendered them to prove these facts; and that shall be taken upon your notes, so that he may have the benefit of that hereafter. I propose this for the purpose of shortening the business. Suppose he says he has five hundred witnesses to prove these facts; we will take it at that.

Mr. HARMER.—No; I will not mention any number, until I have ascertained what the number really is. You have suggested five hundred; but I have not mentioned that number.

The CORONER.—You said, you had five hundred witnesses more, a week ago.

Mr. HARMER.—Yes, and so I had, Sir; but I did not say I should call them.

The CORONER.—And I am of opinion, that there has been sufficient time allowed, for either you or any other reasonable man to examine all the witnesses that are necessary.

Mr. HARMER.—I cannot admit, Sir, that there is sufficient time allowed for that purpose, if there are witnesses still produced, who can give important information respecting the transactions of this day, and they are not to be examined.

The CORONER.—If individuals come here to prove irrelevant facts, I won't let them be examined.

Mr. HARMER.—You will probably, Sir, give me until Monday morning, to examine what the witnesses can prove; and I will then produce those that can prove admissible facts, according to your last decision.

The WITNESS examined by Mr. ASHWORTH.

Q. By whom were you examined before you came here?

A. By no one. I never was before a Judge or a Jury in my life.

Q. Whom did you first tell this to?

A. To Mr. Whitworth.

[*Mr. Nicholas Whitworth, who was gone out of court for Mr. Harmer and Mr. Denison, now wanted to get in again, but was prevented by the Constables; in consequence of which, some noise arose at the door.*]

The CORONER.—Who is that impudent man making that noise?

A CONSTABLE.—It is the person that I brought into you before, Sir.

The CORONER.—Then, if he interferes again, I desire you will take him into custody.

The Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. You told it to Mr. Whitworth, you say?

A. Yes; I told to it him.

Q. Did you tell him first of all?

A. Yes.

Q. When was that?

A. When was it that I told it to him!

Q. Yes.

A. On Friday Morning.

Q. Do you mean yesterday morning?

A. Yes. To-day is Saturday; is it not?

Q. Did you tell that person all you could prove?

A. I told him all I have told you to-day; but I did not tell him all I know, nor have I told you; but I would if I was let.

Mr. HARMER.—It is extremely hard, Sir, that I am not allowed to go on examining this witness, and yet Mr. Ashworth is allowed to cross-examine him.

Mr. ASHWORTH.—If you can ask him any facts that the Coroner decides are admissible, I will stop.

Mr. HARMER.—No, Sir, it is no use; the Coroner has decided that the facts which this witness can prove, are inadmissible; and yet you proceed to question him.

The Cross-Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you tell him, in fact, about the woman and the child.

A. I have told you one story, and I shall tell you no more. I will not tell it to you twice over to-day.

Mr. HARMER (*to the Witness*). But you are bound to tell him; and as often as that gentleman puts a question to you, you must give him an answer; and I beg you will do so civilly and respectfully.

The Cross-Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you tell this gentleman, Mr. Whitworth, the story about the woman and the child?

A. Yes.

Q. Did you tell him that you had not seen John Lees?

A. No; I never knew such a man. I do know a man of that name at Middleton; but I do not know a man of that name of Oldham.

Q. Who told you that the Trumpeter's name was Meagher?

A. I knew it before the Meeting.

Q. Who told you his Christian name?

A. I knew that, also, before the Meeting.

Q. You had not told him any thing else, except what you have stated?

A. No.

Mr. ASHWORTH.—That is all I ask this witness.

The CORONER.—I now adjourn this Court from hence until Wednesday morning at nine o'clock.

Mr. ASHWORTH.—I understand, that is at the request of the Jury, Sir?

The CORONER.—Yes; they complain of ill health, and they say they cannot stand it.

A JUROR.—Perhaps you will make it ten o'clock, Sir.

The CORONER.—Well, let it be ten o'clock.

ADJOURNED TO WEDNESDAY THE 13TH OF OCTOBER.

Eleventh Day.

AT THE STAR INN, MANCHESTER,

WEDNESDAY, OCTOBER 13, 1819.

AT half-past ten o'clock, Mr. ASHWORTH entered the Court, accompanied by Mr. BARROW, when the following conversation took place:—

Mr. ASHWORTH.—If there be any person here, who can inform me, who it is that sends anonymous letters to me from London, of the most vile and abusive nature, I should be glad to be informed who it is. I do not suppose any one is here, who knows who it is; but I only say, if any body does know of it, I should be glad if it were stopped; because such sort of anonymous attacks upon me, when I am here in a professional capacity, are extremely improper.

Mr. HARMER.—I may make the same complaint, of similar attacks upon me in the same shape, both by letters to me from persons in London, and persons in this town.

Mr. ASHWORTH.—Do not suppose, Sir, I allude to you. I do not for a moment suppose it is done by you.

Mr. HARMER.—No, Sir; I am certainly totally ignorant of any thing of the kind; but merely state, that I have received anonymous letters, both from persons in this town and in London, containing the most shameful aspersions on my character; and I also know, that letters of a similar nature have been written even to gentlemen in Liverpool.

Mr. ASHWORTH.—I only mention that such letters have been sent to me. I have received double letters from town of this sort; and if I cannot find out from whom they are sent, I cannot help it. But I shall not, in future, receive them from the Post Office; and if any letters come directed to me, when I expect none from town, I certainly shall let the Post Office keep them for themselves.

A GENTLEMAN here suggested to Mr. Ashworth, that if he shewed the letters alluded to, to the Comptrollers of the Post Office, they would return the postage that had been paid.

At twenty minutes before eleven o'clock, the CORONER entered the room with his son and his clerk. The other gentlemen also took their seats.

Mr. ASHWORTH (*who had an immense pile of books before him*) was then about to address the Coroner.

The CORONER.—Stop a moment, Mr. Ashworth; the Jury are not called over yet.

[The Jury were now called over, and severally appeared.]

Mr. ASHWORTH proceeded in the manner following:—Now, Sir, various things have come to my knowledge against which I cannot shut my ears; and they are things, in fact, which affect the independence and impartiality of a body of men, who are immediately connected with the investigation of this case.

Mr. Ashworth was here interrupted by

The CORONER.—I beg your pardon, Sir; if you will allow me for a moment. It was the request of the Jury, from indisposition, that the inquest should be adjourned to a later period. Several of them have suffered very much from the attention that they have paid, and the fatigue they have already suffered. It is my intention, therefore, in consequence of this being so novel a case, and one so extraordinary in its consequences, to adjourn this inquest from this day to the 1st of December next. I have sufficient reasons for myself in so doing; and if there is any thing wrong in it, it will allow time for an application to be made to the Court of King's Bench, not only by those who may think themselves aggrieved by it, but by any other persons who may appear here; and therefore, Gentlemen of the Jury, I dismiss you for to-day, receiving your recognizances to appear here the 1st day of December next.

Mr. HARMER.—Mr. Coroner—Sir, I beg leave to be heard for one moment, before this most extraordinary determination is carried into execution.

The CORONER (*to Mr. Harmer.*)—I don't know you, Sir; I object to your being heard at all. You have been heard too much already.

Mr. HARMER.—But I beg to say—I say it with all due deference—that I am entitled to be heard; I have cases and authorities here, to shew that a Coroner is not justified in unnecessarily adjourning an inquest.

The CORONER (*to Mr. Harmer.*)—I shall have nothing to say to you. I have heard too much of your cases already. If I am doing wrong, you know where to apply to for redress.

Mr. HARMER.—I beg to be heard, Sir, for a few moments. I have here high authorities to shew, that it is a high misdemeanor for a Coroner unnecessarily to prolong or adjourn an inquest; and I trust you will allow me to be heard, before you make up your mind on this subject.

The CORONER.—I have already allowed you to say too much; and I shall hear no more from you. The Court is adjourned, and the Jury may go home.

Mr. HARMER.—Sir, I have here settled law upon the subject; and I really should be glad to be informed, whether it is the wish of the Jury that the inquest should be adjourned.

The CORONER.—The Jury! You have nothing to do with the Jury; you have interfered with them a great deal too much already.

Mr. HARMER.—That charge has been made more than once, Sir; and I defy you to the proof of it.

The CORONER.—I say, you have interfered with the Jury too much.

Mr. HARMER.—I do deny it most positively, Sir. I say, I have had no interference whatever, directly or indirectly, with the Jury; and I appeal to the Jury themselves, to say, whether I have ever interfered with them.

The CORONER.—You appeal to the Jury too much.

Mr. HARMER.—I deny it, Sir.

Mr. ASHWORTH.—The Coroner has done this, you know, Mr. Harmer; and the inquest is now adjourned. I was certainly prepared with my books to shew, that there are some circumstances connected with this case which might be made the ground of future proceedings.

Mr. BARROW (*in a low voice.*)—Of a criminal information.

Mr. ASHWORTH.—Yes, of a criminal information. The Coroner has already stated to you, that you will have an opportunity to apply to the Court of King's Bench, to impugn his decision, if it be wrong.

Mr. HARMER (*to Mr. Ashworth*).—I heard Mr. Barrow suggest to you, Sir, that there were sufficient grounds for a criminal information to be filed. I should be glad to know against whom, and the reason and ground of that criminal information being so filed.

Mr. ASHWORTH (*to Mr. Harmer.*)—I cannot say that now; but you will, no doubt, be acquainted with the *grounds* of it in due time. You have been connected with the investigation of this case, and, no doubt, you will be connected with that information. No doubt, the Courts of Justice are open to any body; and if the Coroner has done wrong, he is answerable for it. Justice is open to every one.

Mr. HARMER.—It does not appear so in this proceeding.

The CORONER.—That has been said already. You have already said, that you could expect no justice in this Court; and I shall not know a man that says so.

Mr. HARMER.—You have not yet stated, Sir, to what place this inquest is to be adjourned.

The CORONER (*to Mr. Harmer.*)—I stated, to the Star Inn, in Dean's Gate.

Mr. HARMER.—I certainly did not hear you, Sir. At what hour is it to meet?

The CORONER.—At ten o'clock, on the first of December next.

Mr. HARMER.—That adjournment will of course appear recorded.

The CORONER.—It will.

Mr. HARMER.—It might as well be adjourned to this day six years: and I beg to suggest, that some of these Jurymen may die in the mean time. And not only may some of the Jurors die, but some of the witnesses who have not yet been examined, may also die. I have several witnesses here, who have not yet been examined.

Mr. ASHWORTH (*to Mr. Harmer.*)—The Court of King's Bench is open to you, if the Coroner be wrong. The Chief Coroner of this country is the Chief Justice of that Court; and he will superintend the jurisdiction of the Coroner here.

Mr. HARMER (*to the Coroner.*)—I would also suggest, Sir, that all the persons who have been already implicated in this transaction, as well as others who might be implicated, may escape during this long interval.

The CORONER.—The Court is now adjourned; and I shall hear no more.

ADJOURNED TO WEDNESDAY THE 1ST OF DECEMBER.

Twelfth Day.

AT THE STAR INN, MANCHESTER,

WEDNESDAY, DECEMBER 1, 1819.

THIS morning, at ten o'clock, Mr. HARMER and Mr. DENISON went to the Star Inn, accompanied by several witnesses, for the purpose of attending the resumption of the proceedings. They were, however, told by the waiters, that the inquest was at an end.

Mr. BATTYE soon afterwards appeared at the door of the Inn, and informed Mr. Harmer, that he had received a letter from Mr. Ferrand, the Coroner, stating, that the Court of King's Bench had declared all the proceedings of the inquest a nullity, because the Coroner and the Jury had not seen the body at the same time. In consequence of that, the Coroner did not think it necessary to attend personally, and he (Mr. Battye) had accordingly sent the Jury about their business, by the Coroner's directions.

Mr. HARMER then inquired, whether it was not the Coroner's intention still to see the body with the Jury, and terminate the inquest.

Mr. BATTYE replied, that he did not know any thing about it; except that, if Mr. Ferrand did any thing, he would have it regular. He added, that the Coroner would be down in a day or two; and his determination might then be known.

CONCLUSION.

Mr. HARMER then remained at Manchester until Friday morning; when, learning that the Coroner had arrived at the Star Inn, he sent him a note, of which the following is a copy, and which had been previously written:—

“ Albion Hotel, 2d December, 1819.

“ SIR,

“ I beg you will inform me, whether it is your intention to re-
assemble the Jury, and proceed with the inquest of John Lees;
“ and if so, when and where.

“ I am, Sir, your obedient Servant,

(Signed)

“ JAMES HARMER.

“ To Thomas Ferrand, Esq.

“ Star Inn.”

The following dialogue took place between the CORONER and the MESSENGER, who took the above note to the Star Inn.

The MESSENGER.—I bring you this letter, Sir, from Mr. Harmer.

The CORONER.—Oh! when did he come?

The MESSENGER.—I don't know, Sir; but he is here now.

The CORONER.—Well, what is he doing here?

The MESSENGER.—I don't know.

The CORONER then read the note, and addressed the Messenger as follows:—"Tell him it is not in my power to do any such thing. I am prohibited by law; and if he don't know it, the papers will tell him better.

Shortly afterwards, Mr. Harmer received from the CORONER a letter, of which the following is a copy:—

"SIR,

"I cannot avoid being surprised by your note, just received, asking if it be my intention to re-assemble the Jury, and proceed to the inquest on the body of John Lees, and if so, when and where; inasmuch as I cannot persuade myself, that you are ignorant of the decision of the Court of King's Bench in that respect; for if you doubted my information, and that of all the public prints, Mr. Pearson might have acquainted you with it, as he was in Court when the matter was heard.

"I am, Sir, your obedient Servant,

(Signed) "THOMAS FERRAND.

"Star Inn, 3d of December, 1819.

"To James Harmer, Esq."

Mr. HARMER in reply to the above, sent a letter, of which the following is a copy:—

"Albion Hotel, Friday.

"SIR,

"I beg leave to acknowledge the receipt of your note of this morning; and, whatever may be your surprise, I assure you, mine is no less, at your extraordinary determination, not again to resume the inquest. For, if I understand the determination of the Court of King's Bench on the subject (and I have the Short-Hand Report of what passed), it did not preclude or prohibit you from now adopting those measures which they considered you ought to have pursued. All the Court did, was merely to refuse any interference by *mandamus*, leaving it still at your own option to pursue the inquiry; and I should have thought, that as the error (which has rendered the irregularity of the proceedings equivocal) was entirely your own, you would have anxiously seized the first opportunity of remedying the evil, by proceeding instantly with the Jury to the grave of the deceased, to take a second view of the body, even now, in order that justice may not be defeated. As it was your intention to read over the depositions, which you have already prepared, before they were signed by the witnesses, no time would be lost, according to that course of proceeding, which you yourself had marked out in bringing the proceedings to a termination; and, in a few hours, the nation at large would have registered a legal

“ result to those proceedings which they have looked forward to
 “ with anxious curiosity and suspense.

“ I feel it my duty, as the professional adviser of the relatives
 “ of the deceased to make this remonstrance; and I trust that, even
 “ yet, you will alter your present determination, which has neither
 “ sanction in law, nor precedent in the annals of Coroners’ Inquests.”

“ Awaiting your answer;

“ I am, Sir, your obedient Servant,

(Signed)

“ JAMES HARMER.

“ To Thomas Ferrand, Esq.
 Star Inn.”

On the original of the above Copy being delivered to the CORONER, he told the Messenger who carried it, that it required no answer; and Mr. HARMER, finding that the proceedings of the inquest would not be resumed, immediately left Manchester. After his arrival, a letter, of which the following is a copy, and which had been sent to the Albion Hotel, at Manchester, was directed after him to London:—

“ SIR,

“ In reply to your last letter, wherein you mention your surprise
 “ at my extraordinary determination not again to resume the in-
 “ quest, and assert that the Court of King’s Bench did no more
 “ than refuse their interference by *mandamus*, and left it still to
 “ my option to pursue the inquiry; I beg leave to say, that,
 “ having been present in Court at the time, I cannot allow what I
 “ heard myself, to be destroyed or perverted by any Short-Hand
 “ Reporter of your’s; but I must state distinctly, that, according
 “ to my comprehension, the Court did not leave it to the option
 “ of the Coroner to proceed further in the inquiry relative to the
 “ death of John Lees; but, on the contrary, they pointed out two
 “ other modes for that purpose, if any person should think fit to
 “ pursue them. I therefore consider, that was I to adopt the
 “ course you point out, I should be flying completely in the face of
 “ that Court, whereas I hitherto have, and trust I always shall,
 “ bow with respect to such high authority.

“ I cannot help remarking, that this decision of the Court, being
 “ entirely the result of your own proceedings, it is somewhat ex-
 “ traordinary that you should wish to disturb it.

“ I am, Sir, your obedient Servant,

“ Star Inn, December 3.

“ THOMAS FERRAND.

“ To Mr. Harmer Esq.
 Albion Hotel.”

COURT OF KING'S BENCH.

MICHAELMAS TERM, 60 GEO. III.

THE KING *versus* FERRAND.

Saturday, 13th November, 1819.

AT the rising of the Court this day, when the Judges of this Court were about to proceed to the Exchequer-Chamber to meet the other Judges, the following motion was made by

Mr. DENMAN.—My Lords, I am instructed to make a motion, which certainly is of very considerable importance to the Court; and in which time is a great object. I believe I can compress the motion into a very small space; but if your Lordships think, under these circumstances, that it ought to stand over, of course I will wait until another day.

The LORD CHIEF JUSTICE.—We can only tell you, Sir, that the other Judges are waiting for us in another Court. We must leave ourselves within your discretion; and if it be important that the motion should be made to-day, of course we will hear you.

Mr. JUSTICE BAYLEY.—I understand that it must be made to-day.

Mr. DENMAN.—It certainly must be made, my Lord, as soon as possible, as you will see, by the nature of the case. It is for a *mandamus* to a Coroner, to direct him to proceed with an inquest. The inquest has been held after different adjournments for several days, and at last the Coroner has adjourned it to the 1st of December; and my affidavit, which is made by the persons who attend the inquest on the behalf of the friends of the deceased, states, that there is no cause for the Coroner's so doing, and that they are completely unaware of any cause that can exist for such an adjournment.

Mr. JUSTICE BAYLEY.—That is expressly stated, is it?

Mr. DENMAN.—Yes, it is, my Lord. I have looked as far as I can into the law upon the subject, and——

Mr. JUSTICE BAYLEY.—When did the inquest adjourn?

Mr. DENMAN.—My Lord, the affidavit states that there were different adjournments; and it concludes by stating, that the Court again assembled on the 13th of October, when the said Coroner refused to take or hear any further evidence; but adjourned the

inquest to the 1st of December. This, my Lord, is an inquest on the body of a person named John Lees, which was first held at Oldham, and afterwards at Manchester; and your Lordships will see, that it is of great importance that cause should be shewn this Term.

The LORD CHIEF JUSTICE.—(*After speaking for a moment, to the other Judges.*)—Yes, certainly; take a rule to shew cause.

RULE GRANTED.

The following is the Affidavit on which the Learned Counsel made the above motion:—

“ *In the King’s Bench.*—JAMES HARMER, of Hatton Garden, London, Attorney-at-Law, and HENRY DENISON, of Liverpool, in the county of Lancaster, Attorney-at-Law, jointly and severally, make oath and say—

“ And first these Deponents say, that, being at Manchester on the 7th day of September last, they were informed that one John Lees had died on that day at Oldham, in the said county of Lancaster, in consequence of injuries received by him in a violent and sudden attack made by an armed force on a numerous and peaceable meeting of the people held at Manchester on the 16th day of the preceding month; and which attack was made, as Deponents were informed and believe, under the direction and view of certain Magistrates of the said county of Lancaster. And these Deponents further say, that, understanding a Coroner’s Jury had been summoned to meet at Oldham on the following day (Wednesday, the 8th day of September last) to inquire into the cause of the death of the said John Lees, they, these Deponents, in order to assist the purposes of justice, collected and took to Oldham several persons, who, as they considered, could give material evidence respecting the infliction of the injuries which occasioned the death of the said John Lees.

“ And these Deponents further say, that, on the 8th day of September aforesaid, one Mr. Battye, a Clerk to Mr. Thomas Ferrand, the Coroner for the district of Rochdale, in the said county of Lancaster, attended at Oldham aforesaid, to take the said inquisition; but, after he had sworn the Jury, and taken a view of the body, he refused to examine the witnesses, or proceed in the said inquest, although he admitted he had come from Rochdale to Oldham with the intention, and for the express purpose of taking such inquest for Mr. Ferrand, who, he said, was then at Lancaster, and not likely to return for some days. He, however, about noon of the same day, adjourned the said inquest for three hours, to enable him, as he said, to go to Manchester, and endeavour to procure the attendance of a Coroner.

“ That, shortly after three o’clock in the afternoon of the same day, the Jury were again met by the said Mr. Battye, who then informed the Jury and Deponents (who attended the inquest on

behalf of the relations of the deceased), that Mr. Milne, the Coroner, whose attendance he had been to solicit, could not come over until Friday the 10th of September; and that he must therefore adjourn the said inquest until that time; assuring Deponents, unless Mr. Ferrand should return home by Friday, that Mr. Milne would proceed with the inquisition; and he adjourned the inquest accordingly.

“ And these Deponents further say, that on Friday the 10th of September aforesaid they again took over many witnesses from Manchester to Oldham, to give evidence on the said inquest; but, although the said Mr. Milne attended, he refused to take the evidence, or to act as Coroner in the said inquiry; and the said Mr. Battye did further adjourn the said inquest, until Saturday the 25th day of the said month of September.

“ And these Deponents further say, that on Saturday the 25th day of September last the said Jury met, in pursuance of the said last-mentioned adjournment, when the said Thomas Ferrand attended as Coroner; and, after administering to the said Jury the oath required by law, proceeded to take evidence touching the death of the said John Lees, and throughout that day and the Monday following examined several witnesses, some of whom were produced by the Constable of Oldham, and others by these Deponents. And that in the evening of the said last-mentioned day the said Mr. Ferrand adjourned the said Inquest until the Wednesday following.

“ And these Deponents further say, that the said Court met on Wednesday the 29th of September last, and the said Mr. Ferrand proceeded in the examination of witnesses; but at the close of the day he again adjourned the said inquest until the next Saturday, the 2d day of October last.

“ That the said Court was occupied on Saturday the 2d, Monday the 4th, and Tuesday the 5th day of October last, in the further examination of witnesses; and, in the evening of the said last-mentioned day, the said Mr. Ferrand again adjourned the said inquest until the following Thursday, the 7th day of October.

“ That, immediately on the Jury assembling on the said last-mentioned Thursday, the said Mr. Ferrand again adjourned the said inquest, and directed the Jury to meet on the following day, Friday the 8th of October, at the sign of the *Star Inn*, Manchester.

“ That the Court met according to the said last-mentioned adjournment, when the examination of evidence was proceeded in; and likewise on Saturday the 9th day of October; and in the evening of the said last-mentioned day, the said Mr. Ferrand further adjourned the said inquest, until Wednesday the 13th day of the same month.

“ That the Court again assembled on the said 13th day of October last past, when the said Coroner, Mr. Ferrand, refused to hear any further evidence, or proceed in the investigation, but adjourned the inquest until the 1st day of December next.

“ And this Deponent, James Harmer, for himself saith, that he expostulated with the said Mr. Ferrand, the Coroner, upon such adjournment, and informed the said Coroner that he had then witnesses in attendance to give evidence upon the cause of the death of the said John Lees; but the Coroner refused altogether to take the examination of the said witnesses, and, in reply to this Deponent's expostulation, answered, that he had his remedy in the Court of King's Bench, or words to that effect.

“ And both these Deponents say, that, to the best of their knowledge and belief, there was no just cause or reasonable ground for any of the before-mentioned repeated adjournments of the inquest by the said Mr. Ferrand, and particularly for the last adjournment; for there were at all times numerous witnesses ready to give evidence touching and concerning the death of the said John Lees.

“ And lastly these Deponents say, they have been informed, and verily believe, that the said Mr. Ferrand, held communications from time to time, during the continuance of the said inquiry, with the Magistrates involved in the accusation; and also with their legal advisers, and that many of the said adjournments resulted from previous arrangement made with them by the said Coroner.”

COURT OF KING'S BENCH.—MICH. 60 GEO. III.

THE KING *v.* FERRAND.

Saturday, 27th November, 1819.

AT five o'clock this afternoon, Mr. DENMAN, being called on in his turn to move, said—I wish to mention to the Court a case of a *mandamus* which I moved for, to be directed to the Coroner at Oldham. Very long affidavits have been put in, in that case on the other side, so that I could not ask your Lordships to go into it to-night, perhaps. It ought perhaps to stand over until Monday next. To be sure, very little time is to be gained by the rule being made absolute; because the inquest is to sit again on Wednesday next; and there will be very little difference between its coming on to-day or Monday. It is right, however, that I should state, all we have in view is, that the Coroner may be told by this Court, that he is to proceed with this inquest; and that he is not to make further and unnecessary adjournments, when the inquest sits again. The affidavits upon which I obtained this rule state, that he has repeatedly adjourned the inquest without any apparent justifiable cause. All we wish to guard against is, its being adjourned again now. If there be no intention to adjourn it again, my learned friend can of course consent to the rule being made absolute now, without troubling your Lordships further. I don't know whether he is instructed to accede to that proposition, which

would make an end of this application. If not, it is impossible to take it at this time of night, and it must stand over until Monday.

Mr. SERJEANT CROSS.—My Lords, I am instructed to shew cause against this rule; and I feel, notwithstanding what has fallen from my learned friend, that it is my duty to shew cause against the rule, and to take your Lordship's judgment upon it. I see in the affidavit on which this rule was obtained, a great deal of matter which requires some distinct answer.

The LORD CHIEF JUSTICE.—Then you wish to shew cause?

Mr. SERJEANT CROSS.—Yes, my Lord.

The LORD CHIEF JUSTICE.—Then you will shew cause on Monday.

COURT OF KING'S BENCH.—MICH. 60. GEO. III.

THE KING v. FERRAND.

Monday, 29th November, 1819.

Mr. SERJEANT CROSS being called on in turn, proceeded in the manner following:—

My Lords, I have to shew your Lordships cause against a rule of this Court, calling upon one of the Coroners of the county of Lancaster to shew cause, why he should not proceed in a certain inquisition taken before him.

My Lords, it is with painful emotions of anxiety that I touch upon this, already too much, agitated subject; and though, as far as I am personally concerned, I should have most cheerfully acted on what was thrown out on Saturday, yet I felt that I could not, consistently with what I owed to the public and to this gentleman, if I had not appeared before your Lordships on the present occasion.

I feel that it is my duty, in the first place, to meet the imputations which the affidavits on the other side have cast against the Coroner, and which, if proved, would render him wholly unfit to proceed in the course proposed. It is my duty to repel those imputations; and, in the second place, it is my duty to endeavour to satisfy your Lordships that the main reason why this business has not proceeded is, from the irregularity and obstructions which those who have made the application to your Lordships, have thrown in the way of the proceedings. And it is my further duty to expose to the Court, and to the public, the real character of this proceeding, and the meaning of those by whom it is exhibited.

Far be it from me, to wish that the doors of a Court of Justice should not be widely thrown open to every British subject; but I conceive, that the wider the doors of justice are open, the more cautious should the Court be, in receiving *ad captandum* complaints and charges of persons who have no injuries to prosecute.

I must state to your Lordships, in the first place, the outline of this case, carefully abstaining from the mention of any one fact that affects the merits of this case. My Lords, it appears from the affidavits of the other side, and those which are now submitted to your Lordships in answer to this rule, that in the beginning of September last, an unfortunate young man of the town of Oldham died; and there was a rumour that he had suffered in a tumult at Manchester, about three weeks before, some injury—no matter what. The Constable of the township where the death happened, in the regular discharge of his public duty, commenced an inquiry into the subject. The Constable first called at the house where the deceased lay. He inquired of the family; and the person whom he saw there, was the mother-in-law of the deceased, by whom he was informed that the deceased had died of a complaint in his breast, with which he had been a long time afflicted. He then inquired of a man of the name of Earnshaw, who, he understood, was the medical attendant of the deceased.

Mr. DENMAN interposed.—I am sorry to interrupt my learned friend, but I think that these circumstances can have nothing to do with the question, why the Coroner has not proceeded. What this young gentleman died of, can have nothing to do with the present question; still less has the opinion which any body entertained before the commencement of the inquest, of the cause of his death.

Mr. JUSTICE BAYLEY.—In the affidavits these facts are mentioned.

Mr. DENMAN.—Yes, my Lord, and very many others.

The CHIEF JUSTICE.—Which facts are those upon which the rule was obtained.

Mr. DENMAN.—My Lord, when I moved for this rule, I simply contented myself with stating the fact, that an adjournment of the inquest had taken place—that the Coroner had adjourned the inquest from the 13th of October to the 1st of December (next Wednesday); I only want your Lordships to tell this gentleman that he must then proceed.

Mr. SERJEANT CROSS.—I have already said, that it is my duty to do more than address myself to the question of adjournment; for, I know, that I am dealing with those who court inquiry, and even anticipate examination into their conduct. The day of trial is now come; and here I am, ready to go into a full inquiry into the conduct of the Coroner. My Lords, I was stating how this matter originated, without which, it is impossible your Lordships can understand this case. The Constable, having learnt from this female what I have already mentioned, applied then to this medical gentleman; by whom he was informed, that the deceased died of an injury received in a tumult. Upon this conflicting information, he applied to the Coroner; but, not finding the Coroner in the way, he made his application to his Clerk or Deputy: the Coroner himself was then absent at the Assizes, a distance of sixty or seventy miles; and the interment of the deceased being an urgent

matter, and could not be postponed for more than two days, it was necessary to proceed upon the inquest immediately. Accordingly the Clerk of the Coroner proceeded to the place where the deceased lay, and he and the Constable called together a number of persons from four of the surrounding townships—such as the Coroner, had he been there himself, would most probably have summoned for the purpose of forming a Jury. These persons, being so brought together, had a view of the body, and the interment took place. At that view, there appeared several strangers, of whom your Lordships will hear by and by. One was a person named Harmer, and another named Pearson, and a third a Mr. Peter Finnerty, besides a great many others who came to attend this view.

The CHIEF JUSTICE.—Was the Coroner present at the view?

Mr. SERJEANT CROSS.—He was not, my Lord.

The CHIEF JUSTICE.—Who called the persons together, who composed the Jury?

Mr. SERJEANT CROSS.—My Lord, I have already stated that the Constable and the Coroner's Clerk called the Jury together, from the urgent necessity of an immediate inquiry into the death of the deceased.

Mr. JUSTICE BAYLEY.—The Jury saw the body?

Mr. SERJEANT CROSS.—They did, my Lord; every one.

Mr. JUSTICE BAYLEY.—After, or before they postponed the inquest?

Mr. SERJEANT CROSS.—Oh! long before they saw it. At this very time I have mentioned, it was then considered that as the Coroner was not likely to arrive from the Assizes before the interment of the body, which took place that day, it was urgent that a very early day should be fixed for the purpose of proceeding with the inquiry. Several days were proposed; but, at the request of Mr. Harmer, the 25th of September was fixed upon for the commencement of the inquiry. On the 25th of September, the inquiry commenced; which inquiry had been set on foot, solely in consequence of what had been stated by Earnshaw the Surgeon, of the cause of the deceased's death. Earnshaw was called before the Coroner to be examined upon the subject: there were, however, scruples of conscience stated, and he gave way so much to his conscience, that he refused to take an oath; and therefore the Coroner, in the discharge of his public duty, was under the necessity of dismissing this man as a witness. Shortly after this, however, the evidence of that man found its way into the pocket of every one of the twelve Jurymen, with one exception, drawn up in a solemn form—"I solemnly and sincerely affirm and declare, that John Lees died of the injury that he received in the tumult at Manchester;" and then it proceeded to state several words that had fallen from the mouth of the deceased. And, my Lords, upon this, (learning accidentally that somebody was tampering with the Jury) the Coroner asked the Jury present, if any of them had received such communications; or rather, I should have

said, he stated, that if any such communications had been made to them, it was their bounden duty then and there to declare it. All was silent. The inquiry went on for several days. The subject was again renewed; and the Coroner then interrogated the Jury individually, and they one and all acknowledged that they had received each individually a similar transcript of Earnshaw's affirmation. There was one of the twelve papers which miscarried; and it came by accident into the Coroner's hands, which led to the discovery of this circumstance. I only state the fact, to let your Lordships know, that this gross tampering with the Jury was going on in the most wicked and abominable manner, if not resulting from the individual whose name the papers purported to bear, at least insinuated into the minds of the Jury by those of whom your Lordships have heard in the course of this Term. But it was sufficient for the Coroner to know that this was the fact; and it certainly was a fact, to embarrass the judgments of persons of a more exalted situation than the gentleman who fills that humble department of the law. But, my Lords, matters proceeded notwithstanding this; and throughout the whole progress of this inquiry you will find, that the gentleman who assumed a right to lead the investigation (Mr. Harmer) presented himself as the prosecutor, and the manner in which he conducted himself induced the Coroner to ask him some questions: "For whom" said the Coroner "do you appear?—who are you? for I don't know who you are."—"I appear for the Crown."—"Has any body employed you? has the family employed you? has the Constable employed you?"—"Oh, I appear for the relatives."—"Relatives! who are they?"—"Why, the Mother-in-law."—"What relative is she to the deceased?—have you any other authority to take upon yourself the conduct of this inquisition, which it is my duty to manage?"—"Why, I appear in my own right—I am an Attorney."—"Who employs you?"—"I will not tell who it is." On a subsequent day this gentleman, thinking it necessary to have some authority in order to make himself *rectus in curiâ*, brought a little piece of paper with him, which he called the consent of Robert Lees, the father of the deceased, authorizing him to interfere in this investigation; and accordingly, it appears, that from that authority the whole of this painful investigation has originated. This gentleman, who had come down, it seems, from London for the purpose, (upon what sort of mission, I will be under the necessity of stating to your Lordships) occupied the time of the Coroner and the Jury, not only by introducing inflammatory and irrelevant facts, but unnecessary arguments, and inflammatory discussions, in order to excite their feelings and pervert their judgment. In this extraordinary manner did this gentleman from London conduct himself before the Coroner's inquisition at Oldham.

Mr. JUSTICE BAYLEY.—I suppose your affidavits state these facts?

Mr. SERJEANT CROSS.—They do, abundantly, my Lord.

Mr. DENMAN.—Not precisely in the words of my eloquent friend.

Mr. SERJEANT CROSS.—Not contented with this, when the matter had proceeded to a most inordinate length, to the great discomfort and inconvenience, and waste of time of the Coroner and the Jury, whose valuable occupations were suspended during this laboured and perplexing inquiry, and when the Inquest was about to come to a close, this gentleman says to the Coroner, “You must let me have five hundred more summonses?”—“Five hundred more summonses! Sir, I am fatigued—I will consider of your application.”—“I must have them to night, Sir, or a great many of them, or it will not answer my purpose.” This was another impediment which this gentleman threw in the way of this inquiry. Now, my Lords, under these circumstances, the Coroner and the Jury were not a little embarrassed. But these were not the only circumstances which embarrassed them; for you will find by the affidavits, that, during the time the inquisition was conducted at Oldham, the Court of the Coroner (for he was obliged to hold the Inquest in a public-house, as the law had not provided any place for his convenience) was filled with multitudes of turbulent people, hooting and hissing, or applauding the witnesses, according as they approved or disapproved the testimony they gave. The Court was crowded even to suffocation, to the inconvenience and hardship of many of the Jury, who made grievous complaints of their sufferings. On the 5th of October, after a great many meetings had been held, the Coroner, by concert with the Constable of the township, having heard that an attempt was meditated to invade the peace and security of those who attended the inquest for the purpose of giving evidence, and to themselves, if they should sit at Oldham any longer, determined to adjourn the inquest to another place, learning from credible information, that a thousand men at least were pouring into the town of Oldham on the following day in a body. My Lords, under these circumstances, the Coroner felt it to be his duty to adjourn the inquest from Oldham to Manchester, which is a distance of only six or seven miles; and to Manchester the inquest proceeded, having been adjourned to the 13th of October; but, prior to that day, the Coroner states the difficulties in which he felt himself placed, by the circumstances I have stated to your Lordships, so as to be wholly at a loss how to proceed. As to the question from what cause the deceased died, that was a question of no difficulty, and might easily have been disposed of.

Mr. DENMAN.—I don’t collect from the affidavits, any thing stated as to the cause of the death of the deceased; and I submit, he is not to put himself in the situation of the Jury, to say what the cause of the death was. I therefore beg that my learned friend will confine himself to the affidavits.

Mr. SERJEANT CROSS.—I will not pledge myself to the precise words of the Coroner’s affidavit; but I conceive I have a right in every case to state generally the contents of an affidavit. I shall proceed in my own way, and I will afterwards read the affidavits, if it be necessary. I am now only stating the outline of the case, and I will by and by refer to the affidavits. In this

posture of affairs, the Coroner states, that he was labouring under considerable difficulties, having to decide, as it should seem, not as to the cause of the death of the deceased, which was the only question to be tried by the Jury, but whether the assembly at Manchester was lawful or unlawful. Whether the unfortunate deceased was much thought of on that occasion, I really do not know. The Coroner, however, was placed in this situation prior to the meeting of the 13th of October. He had a demand made upon him for five hundred summonses. He had had ten meetings at that time. He was told that he had an accusation pending before him against the Magistracy, and all the civil and military authorities in that populous district, for the crime of wilful murder. My Lord, I say, that the end and effect, if not the object and meaning of such an inquiry, was fairly to suspend and paralyze the law of England through the whole of that populous district, and put all the Justices of the Peace, all the Constables, and all the civil and military authorities, under the accusation of murder; and, if possible, to put them in prison to take their trial at the Assizes on that charge. My Lords, so fearful an accusation as this never fell to the lot, I venture to say, of the Judges of the Court of King's Bench, in any times. Since the great trial of the seven bishops, there has never been a trial pending in this Court containing a charge half so important to the interests of the public as was left to the consideration of the helpless Coroner—I may say, heaped upon his single head, having no other assistance in the important duty he was called upon to discharge. Helpless I call him; for the great complaint in this application for a *mandamus* is, that he consulted with the Justices of the Peace—that he made his adjournments by consultation with the Magistrates from time to time, and that he concerted his arrangements with them. My Lords, it was in this posture of affairs that the Coroner felt it to be his duty, at length, to adjourn the inquest until the first of December. The Coroner felt this, that if he might issue five hundred summonses, he might be called upon to issue as many more; and Mr. Harmer actually declared to him, “As long as there is a man in existence who knows any thing of the transactions of the Manchester tumult, I will bring him in here.” Why, my Lords, the siege of Troy would be nothing to this. Ten years would not bring the Coroner to the end of the inquiry. My Lords, in such a state of things, was it not high time for the Coroner to pause? was he not justified in desiring time to consider of Mr. Harmer's application. “Am I to take upon myself this tremendous inquiry?—Am I to surrender all my occupations?—Am I to devote this Jury to such an inquiry? No: I cannot proceed further; but I will do this—I will state my case—I will state my case for the opinion of Counsel, under these circumstances; and I will be governed by the advice I shall receive.” And accordingly, my Lords, he states that he did so; and he was advised that the safest course for him to pursue would be, to lay his case before your Lordships, in order that your Lordships should direct him as to the course he should

take. Now what course did he take after that advice? This Rule has been obtained, I observe, upon the affidavits of two persons; and your Lordships will hear how they describe themselves—"James Harmer, of Hatton Garden, London, and Henry Denison of the town of Liverpool, in the county of Lancaster, attorneys at law." And they begin with stating, that, "on the 7th of September last, being at Manchester"—How they got there, they don't at all say—Why they went there, they don't condescend to inform your Lordships—but they happened to be at Manchester, and "they were informed that, in consequence of the attack made, &c." These two persons, attorneys at law, who alone call upon your Lordships to interfere, represent themselves as travelling friends to humanity, who happened accidentally to hear of this affair at Manchester.

Mr. DENMAN.—The word *accidentally* is not there.

Mr. SERJEANT CROSS.—Surely I may observe upon their mode of statement; and according to their representation, they happened to be there accidentally, although they do not state that any other circumstance had carried them to Manchester. They go on to state this. (*Here the Learned Counsel read a short passage from the affidavit.*)

Mr. JUSTICE BAYLEY.—Will you give me leave to ask you, Mr. Denman, whether the Coroner is not a Judicial officer?

Mr. DENMAN.—I apprehend he is, my Lord.

Mr. JUSTICE BAYLEY.—Then, can he appoint a deputy?

Mr. DENMAN.—I don't know how to answer that question. It is a general question. We know, that Coroners perform parts of their duty by deputy.

Mr. JUSTICE BAYLEY.—It is the duty of the Coroner to direct the Jury in point of law, and point out to them what is the distinction between murder and manslaughter; and one of the difficulties that has presented itself to my mind is this—whether this Jury was originally convened and sworn according to law?

Mr. DENMAN.—I anticipated that such a difficulty would be suggested. I should say, that the Coroner is both a judicial and ministerial officer—Judge, for the purpose of taking evidence; but Sheriff, for the purpose of summoning the Jury; and from analogy to the office of Sheriff, I should apprehend that the business of convening and swearing the Jury might be done by proper and sufficient deputy.

Mr. JUSTICE BAYLEY.—The Jury are to view the body on oath administered by the Coroner.

The CHIEF JUSTICE.—The oath here seems to have been administered by his Deputy.

Mr. JUSTICE BAYLEY.—The view is necessary, to the final judgment formed by the Jury.

Mr. DENMAN.—It appears from my friend's affidavits, that this Coroner did see the body at some time afterwards. It was suggested to him, that it was his duty to see the body; and the body was actually exhumed for that purpose.

Mr. JUSTICE BAILEY.—Did the Jury see the body at that time?

Mr. WILLIAMS.—I believe not.

Mr. JUSTICE BAYLEY.—Because I apprehend the Jury ought to see it at the same time the Coroner sees it. They ought to have seen it before they took the oath. According to the facts stated upon the affidavits, they could not have been sworn to examine the body, antecedent to that examination by the Coroner.

Mr. DENMAN.—They saw it before, and it was not out of season for the Coroner to make his observations upon the body afterwards. I will humbly submit, that it would be a very dangerous example to postpone the consideration of such a question as this, upon a subject of the nature that is now suggested; because this is an inquiry—

Mr. JUSTICE BAYLEY.—You call upon us for a *mandamus* against the Coroner to proceed in this inquest, and it is our bounden duty to see that the inquest has properly originated, and that we are not directing proceedings to go on, which will in the result be a nullity.

Mr. DENMAN.—This objection certainly does not lie in the mouth of the person who has himself committed this error, if it be an error, in order to protect himself from the proceedings of the Court.

Mr. SERJEANT CROSS.—I make no such objection.

Mr. JUSTICE BAYLEY.—It appears by the affidavit, that the party died on the 7th of September;—that on the 8th a person, who is a Clerk to the Coroner, swore the Jury;—that the Jury saw the body, and that the Coroner himself was not there at the time, nor did he attend till a very considerable length of time afterwards. I don't think it appears that the Jury were ever sworn afterwards; if not, I don't think the proceedings were legal.

The CHIEF JUSTICE.—Your affidavits state, that they were sworn by Battye, the Clerk; that is in the first affidavit.

Mr. SERJEANT CROSS.—The Jury were sworn by the Coroner on the 25th of September, after his view of the body.

The CHIEF JUSTICE.—(After looking at the Coroner's affidavit.)—He swears that the Jury were sworn after his view of the body, but he does not say that they were sworn *super visum corporis*. The form of the oath administered to the inquest, as given in *Burn's Justice*, is this—"You shall diligent and true presentment make, on behalf of our sovereign lord the king, how, and in what manner, A. B. *here lying dead*, came by his death, and of such other matters, &c." That oath imports that the body of the deceased is present before them.

Mr. DENMAN.—I am not competent to discuss a question of this description, coming upon me, as it does, by surprise.

Mr. JUSTICE BAYLEY.—If the Coroner does not take the inquest, there may be a commission issued, in order to have the inquisition taken.

Mr. DENMAN.—There has been always great difficulty when

the inquest has to see the body after it is buried ; and I trust this is not a case, in which the Court would dispose of this application, upon the objection now suggested.

The CHIEF JUSTICE.—We should not grant a *mandamus* to compel the further proceeding on an inquest, if it appears, the inquest was not lawfully begun. It cannot be treated as an inquest, if it is not lawfully begun. There can be no reason why we should grant a *mandamus* to go on with an inquisition which may be annulled.

Mr. DENMAN.—My Lord, I have not applied my mind to that view of the case. I submit to the Court, that “ *here lying dead* ” would necessarily import, that the body was actually in the room at the moment where it was lying dead, if at all.

The CHIEF JUSTICE.—*Super visum corporis* is the language of the inquisition, “ upon the view of the body, and on the oaths of A. B. C. &c.”

Mr. DENMAN.—The Jury in this case have, in fact, seen the body.

Mr. JUSTICE BAYLEY.—Unless there is a view of the body, the Coroner has no jurisdiction.*

Mr. DENMAN.—My learned friend, Mr. Tindal, suggests, that if there be any thing illegal in the manner of holding the inquest, that would be a good return to the *mandamus*.

Mr. JUSTICE BAYLEY.—But you must lay before us reasonable ground for interposing by *mandamus* ; and if, upon the affidavits you state, there appears to be a short, clear, legal objection to the course of proceeding, the court cannot properly grant a *mandamus*.

Mr. DENMAN.—Then I can only say this is *post visum corporis*. This is a case where the body was seen by the Jury afterwards.

Mr. JUSTICE BAYLEY.—It must not be *post*, but *super visum corporis*.

Mr. JUSTICE BEST.—It must be an inquest upon view of the body. Hawkins, in his *Pleas of the Crown*, says, that the inquest must be taken upon view of the body dead ; and that an inquest otherwise taken, shall be void.

Mr. DENMAN.—That, I submit, must be confined to the Jury.

Mr. SERJEANT CROSS.—On this subject of the view.

Mr. JUSTICE BAYLEY.—At present the pressure is with the other side.

Mr. SERJEANT CROSS.—But I ought candidly to admit a fact, if it exist, because I ought not to suppress any thing on the subject of the view. The objection was taken by Mr. Harmer ; and he insisted upon the Coroner’s going, several days after the inquiry had proceeded, to take a view of the body. The Coroner states in his affidavit, that, on the invitation of Mr. Harmer, he did cause the body to be decently disinterred, and that he had a view of the face, but no more.

The CHIEF JUSTICE.—Were the Jury with him at the time ?

Mr. SERJEANT CROSS.—No, my Lord, they were not present.

* *Vide Blackstone’s Commentaries.*

Mr. JUSTICE BEST.—This objection is extremely material. If the Coroner take the view of the body after so long a period has elapsed, merely at the suggestion of another person, it is at his discretion whether he will follow the advice or not.

Mr. DENMAN.—Will your Lordships allow this matter to stand over while my friend Mr. Tindal and I look at the statute.

The Court acquiesced; and the Learned Counsel called for the statute *De Officio Coronatoris*, 4 Edw. 1. stat. 1.; and, after they had been engaged some minutes in looking over this statute.

Mr. JUSTICE BAYLEY interposed.—Do you wish to speak further on this subject to day? I am wanted elsewhere, but I could wait a short time, if you think you would be ready to proceed soon.

Mr. DENMAN.—Certainly my Lord, it is of importance to dispose of the case to day; otherwise the Coroner may adjourn on Wednesday until this day twelvemonth.

The CHIEF JUSTICE.—It is important certainly that it should be disposed of to-day.

Mr. DENMAN, having looked at the Statute, resumed—My Lords, I have now the Statute as to the office of the Coroner, and there is nothing said as to the view of the murdered body: the Statute is in these words—and I shall read it from the Latin—
“Hæc sunt inquirenda a Coronatoribus Domini Regis: In primis, quum Coronatores habent mandatum a Ballivis Domini Regis, vel a probis hominibus patrie, quod accedant ad occisos, vel ad subito mortuos, vel ablatos, vel domorum fractores, vel ad locum ubi dicitur thesaurum esse inventum, statim accedant, et statim debent mandare quatuor villatis vel quinque vel sex vicinis, quod sint coram ipsis tali novo; et cum venerint Coronatores ad sacramentum, illorum debent facere inquisitionem in hac formâ: scil. Si fuerit de homine occiso, primo inquirend' ubi occisus fuerit, et si in campo, vel in domo, vel ad luctum aut tabernam, vel ad congregationem; et si quis vel qui ibidem fuerint; similiter inquirend' est qui et quales culpabiles fuerint, sive de facto sive de forcia, et quis fuerit in curia, et qui ibidem fuerint, homines aut mulieres, cujuscunque fuerint etatis, dummodo tamen loqui sciant, et habeant discretionem; et quotquot inventi fuerint culpabiles per inquisitionem aliquorum modorum pred. capiantur et liberentur Vicecomiti; et imponantur in gaolam; et quotquot inventi fuerint qui non sunt culpabiles, attachientur usque adventum Justiciariorum itinerantium, et nomina eorum in rotulo scribantur Coronatoris. Si quis autem talium occisus fuerit in campis vel in boscis, et ibi inveniatur, primo inquiretur si ibi occisus fuerit, vel non; et si forte illuc differatur, sequantur vestigia eorum, si potest fieri, qui corpus illuc detulerunt, vel equ' qui ducebat, vel carect', si forte equo vel carectâ differatur. Inquiretur etiam si interfectus fuerit notus vel ignotus, et ubi nocte illâ precedente fuerit hospitatus. Si autem hujus occisi fuerint de quibus dicitur quod culpabiles sint, statim accedant Coronatores ad domum illorum, et inquirent que catalla habuerint, et que blada in grangia; et si liberi homines fuerint, quantam terram habuerint, et quantum

valeat per annum, et que blada habuerint in terris; et cum ita adquisierint de omnibus, appreciari patient catalla et blada, et extendant terram sicut statim vendi possent, et liberentur villatis ad respondend' coram Justiciariis. Similiter de terrâ liberâ, quantum valeat per annum salvo servitio dominorum feodi, et teneatur terra in manu Domini Regis quousque demini feodorum pro eadem finem fecerint. Et hiis inquisitis statim sepeliantur corpora mortuorum vel occisorum."

MR. JUSTICE BAYLEY.—“*Si quis autem talium occisus fuerit in campis vel in boscis, et ibi inveniatur;*” that is, you must find him, and then directions are given to the Coroner what he shall do afterwards.

MR. DENMAN.—But there is nothing said about the view of the body.

THE CHIEF JUSTICE.—In the first passage you have read, there are the words *accedant ad occisos*, which are decisive of this very point.

MR. JUSTICE BEST.—If a man be killed in a wood, they are to go in and look after him.

MR. JUSTICE BAYLEY.—All the text books lay it down distinctly, that there must be a view of the body before the inquisition is taken.

MR. DENMAN.—Then I submit to your Lordships that that requisite has been sufficiently complied with in this case. I believe, in a great many instances, Coroners' inquests are held without the Coroner seeing the body in the first instance. I take it not to be necessary that the Coroner should view the body at the same time with the Jury, provided he does see it. Certainly the Coroner, here, did not see the body in the first instance, but he saw it afterwards; and when he came to the Jury, they were re-sworn. I apprehend there is nothing here in the words of this statute, or in the words of the oath, or in the general duties of the Coroner, which makes it absolutely essential that he should see the body. If he goes to the spot where the body is lying, I apprehend, he does all that the statute requires; which is, to summon the Jury from the four neighbouring townships, and they are, having seen the body, to form their judgment. I apprehend this would be sufficient foundation for them to form an opinion upon the evidence laid before them, as to the death of the party. Unless there is any holding to the contrary, I humbly submit, it would be too strong, after this gentleman has proceeded to this very great length, to say, that the inquest was illegally held. It appears that this gentleman has granted summonses in 1800 cases, and that he has proceeded in all of them with the greatest regularity. It is a great deal too much, in this stage of the proceedings, to say, that the Jury ought not to be permitted to pronounce their verdict; they having, in point of fact, viewed the body, which is the principal circumstance to be attended to, in these cases. And as the Coroner himself has seen the body, it seems to me that the words of the statute are satisfactorily complied with.

I have nothing else to offer, my Lord, on the present occasion ; and therefore I see no necessity for troubling you at any greater length. My learned friend Mr. Tindal is with me, and probably he may address your Lordships.

Mr. TINDAL.—I shall trouble your Lordships very shortly. This question has arisen rather unexpectedly. Admitting that the true construction of the statute to be that which is suggested, yet if in no case it has been held that the words of the statute are imperative in all cases, I apprehend your Lordships would not, in this particular case, be disposed to give effect to the strict construction I have alluded to. But supposing it to be a necessary part of the duty of a Coroner, in the discharge of his office, to take a view of the body, and hold the inquest *super visum corporis*, still I submit, that in the present case this requisite has been in substance complied with. The Jury were at first sworn by the Deputy, in the necessary absence of the Coroner, and then they proceed to view the body ; and after having heard some evidence, the Coroner himself arrives ; and upon his arrival, he has the body disinterred to take a view of it himself. Therefore upon the whole, both the Coroner and the Jury have seen the body ; and as there is no direct authority which says, that the view of the body must be taken in the presence both of the Coroner and the Jury at the same time, I submit that this is sufficient ; and it would be going too far, in the present case, to hold that the proceedings on this inquest have been wrong from the beginning. The fact is, that out of a hundred inquests taken before Coroners, it will be found, that by far the greater part of them are at first assembled by a Deputy, and afterwards the Coroner attends to receive the evidence and direct the Jury in point of law. This I understand to be the practice in the county of Middlesex. Such, I believe also, is the case in the county of Lancaster.

Mr. JUSTICE BAYLEY.—If such be the practice, it certainly is not regular ; and I believe you never saw an inquisition so recorded. The record of the inquisition is by the Coroner himself.

Mr. TINDAL.—Strictly speaking, it is so ; but the duty of the Coroner is merely ministerial ; and if it be so, the duty of summoning a Jury may be performed by a Deputy.

The CHIEF JUSTICE.—But the Coroner is to swear the Jury.

Mr. JUSTICE BAYLEY.—Must not the Coroner be present at the time the oath is administered ? and who else can administer the oath ?

Mr. TINDAL.—I apprehend it is sufficient, if he record the inquest as having been taken on oath.

Mr. JUSTICE BEST.—But how can a Coroner delegate to another, the power of administering an oath.

Mr. TINDAL.—I venture to say, that almost in every case of a trial before an Under-Sheriff the oath is administered by the Bailiff or some other inferior officer.

The CHIEF JUSTICE.—If that be so, it is very irregular.

Mr. JUSTICE BEST.—The oath ought to be, and generally is, administered by the Under-Sheriff.

Mr. TINDAL.—For the sake of regularity, perhaps, it ought to be; but I submit, that it is not necessary, for it would be intended to be the act of the Under-Sheriff himself. If, in point of fact, the course generally adopted has been observed in this case, I trust that in all events your Lordships will not, in a case of such general interest and importance, prevent the further progress of this inquest. Your Lordships will not, at this late period of the proceedings, prevent the *mandamus* from issuing; for, supposing the proceedings to be irregular, the Coroner can make that a part of his return to the writ; and then this objection, now suggested for the first time, may be deliberately discussed. The Coroner and the Jury have both had a view of the body, although not at the same time; and where the practice I have stated, has been so very common, I trust your Lordships will not allow the case to end here.

The CHIEF JUSTICE.—If it is perfectly clear that this Jury was in the first instance irregularly assembled, the Court certainly will not grant a *mandamus* to the Coroner, to compel him to proceed in an inquisition which has been unlawfully begun; because, the result would be this, that if he should proceed, whatever the finding of the Jury might be, the whole must be quashed, as being void and contrary to law. Now it is said in Hawkins's *Pleas of the Crown*, 170, that where it happens that a person comes to an unnatural death, an inquest is to be holden upon the body before the body be interred; and in 2 Hawkins it is said by Holt, Chief Justice, that when notice is given to the Coroner, of the unnatural death of a party, he is to hold an inquest at the place he has notice where the body is lying dead. The Jury is to be sworn and charged by the Coroner on the view of the body, to inquire how the party came by his death; and then there are directions as to the manner of taking the inquisition. The inquisition is to be taken on view of the body, and not otherwise, because if the body be interred, the Coroner may dig it up, in order that it may be viewed by the inquest. If the body cannot be found, so that the Coroner (who has authority only *super visum corporis*) cannot proceed, the inquiry may be by Justices of the Peace, who, by their commission, have a general power to inquire of all felonies. Then the Jury being sworn, and the body in their view, they shall inquire on their oaths as to the cause of the death. By the statute 4 Edw. I. stat. 1. it is said, "*Quum Coronatores habent mandatum a Ballivis Domini Regi svel a probis hominibus patrie quod accedant ad occisos.*" Then, after this, there is a form given of the manner in which the Coroner addresses the Jury, who are charged upon oath: he says—"You shall diligently inquire, and true presentment make, of all such matters and things as shall be here given you in charge, on behalf of our sovereign lord the king, touching the death of A. B. now lying dead, of whose body you shall have the view. You shall present no man for hatred, malice, or ill-will, nor spare any through fear, favour, or affection; but a true verdict give, according to the evidence, and the best of your skill and judgment." Then there

is a form of the inquisition given; which form states the fact of the inquisition having been taken on view of the body, then and there lying dead. Attending, therefore, to the whole of these authorities, and referring to the very words of the statute *De Officio Coronatoris*, it seems to me, that an inquest cannot be holden, unless the Jury and the Coroner be present together *super visum corporis*. The oath is then administered to the Jury by the Coroner. It cannot be sufficient for some other person to come and say, he is Clerk to the Coroner, and discharge the Coroner's duty. If, in the course of the proceedings in the present case, the Jury and the Coroner had been together at the time the body was disinterred, and the Jury had then seen the body, and had been fresh sworn by the Coroner in person, that would be a very different thing: but that was not done. It seems to me, that the Jury were never well or lawfully assembled, and that if the inquisition were to go on, it would be void; because the inquest, when returned, would not appear to have been holden in the manner which the law requires. That being so, we shall not require the Coroner to go on. What further proceedings may be had under an inquisition by magistrates, we are at present not called upon to decide.

Mr. JUSTICE BAYLEY.—I am of the same opinion; and I do not entertain any doubt whatever upon the question: for when we look at the words of the statute *De Officio Coronatoris*, the words of the oath administered to the Jury, and the invariable form of the inquisition in these cases, the matter is placed beyond all doubt. The words of the statute 4 Edw. I. are, that the Coroner and the Jury are to go, "*quod accedant ad occisos*." That they are to go to the dead body. Who are to go? Why, the Coroner is to go, and the Jury are to go; and after that, the Jury are to be sworn. Now the Coroner is a Law-Officer, and part of his duty is Judicial. It belongs to his office, and to his office only, to administer the oaths. The Jury cannot properly be charged by any other person, but by him; nor can they be sworn by any body but by him. Now here the Jury were not sworn by him. At the time of the swearing they must be sworn by him, on a view of the body; and unless they are so sworn, the proceedings are irregular. The form of the oath given in *Burn's Justice* shews that the Jury are sworn on a view of the body. Now in this case, on the 8th of September an oath is administered, and the body is seen by those persons who afterwards act as Jurymen; but the oath is administered by a person who had no authority whatever to administer it: It is a mere extrajudicial and gratuitous oath, not producing on the minds and consciences of those to whom it is addressed the legal obligation, which an oath judicially and properly administered is calculated to produce, and is considered by the law as producing. Well then, the Jury not being at that time under the proper obligation of an oath, and being as it were mere strangers at that time; then the question is, whether what occurs afterwards qualifies them to discharge the duty of an inquest. The 24th of September comes, and on that day the Coroner has an opportunity of seeing part of the

body. The body is not seen by the Jury at that time, nor are the Jury ever sworn by the Coroner *super visum corporis*. Now, when you look at any form of an inquisition, you will find it is an inquisition intended to be taken at such a place, before A. B. one of the Coroners of the county, upon the view of the body of A. B. lying dead, upon the oaths of such and such persons; and the form of the oath is—"You are sworn to inquire of the death of A. B. here lying dead." That implies, that the dead body is to be there at the time that the Jury are sworn. In this case the Jury were not properly sworn—I believe, never properly sworn. Certainly, their swearing on the 8th was not a proper swearing. This Court would be doing a great injustice, if they were to direct the Coroner to go on with the prosecution of an inquiry, which was never originally legally commenced, and had never been legally proceeded in. For these reasons it seems to me, that from the beginning to the end, this Coroner had no authority to proceed in the subject matter of inquiry.

Mr. JUSTICE HOLROYD.—I am also of the same opinion, that the writ of *mandamus* ought not to issue; because the Coroner has no authority to proceed in the inquest. It is stated, that if the inquest has not been legally commenced or continued, that may be a proper return for the Coroner to make to the *mandamus*. But, suppose the Coroner did not choose to make a return, but determined to proceed in the inquisition, and to administer oaths, which by law he is not entitled to do, and which may affect third persons; ought we, under such circumstances, to leave it to the option of the Coroner, whether he would make a return, or proceed with the inquest? It seems that at first the Clerk of the Coroner called the Jury together, and he had a view of the body; but he was not a person properly qualified to proceed; nor does it appear to me that he was a person that could be a party to the inquest, for it is stated by Hawkins, in his *Pleas of the Crown*, that no one can take an inquest in any case, but the Coroner. But, however, the Coroner is the person who afterwards proceeds, before he has any view of the body himself. I apprehend, that although the statute *de Officio Coronatoris* may be doubtful as to whether the Coroner shall see the body when he takes the inquest, which I think it is not, yet it is expressly laid down by Hawkins, that the Coroner and the Jury must be both present at the view; and it was some time since held, that an inquest taken, except on the view of the body, is void. Now, here, the witnesses were some of them sworn before the Coroner had a view of the body. Unless there be a view of the body, the whole is extra-judicial; for the Coroner has no jurisdiction to hold the inquest, except on view of the body. The Jurors were sworn before he had a view of the body; and we have it in proof, that several of the witnesses were examined before he had a view of the body. Though he has a view of the body afterwards, yet the Jury had not afterwards a subsequent view of the body. If he had sworn the Jury afresh,

and had examined the witnesses over again, upon fresh oaths taken after the Coroner and the Jury had got their jurisdiction, then the proceedings might be legal. But I take it to be clearly irregular for the Jury to go on, and to determine upon evidence given by witnesses before the Coroner had jurisdiction to swear them, and before the Jury were legally sworn, for want of the Coroner seeing the body. I think therefore the court cannot grant a *mandamus*, that proceedings may be continued, which, from what has taken place, could not be legal.

Mr. JUSTICE BEST.—It appears to me, that the inquest was illegal in its commencement; and as nothing has since occurred to render it legal, I think that we clearly ought not to grant a *mandamus* to compel the Coroner to go on. I am of opinion that there are innumerable irregularities, any one of which would prevent the inquest assembled from finding a verdict which would be valid in law. It does not appear to be necessary to decide the question, whether a Coroner can appoint a Deputy; for even if he could, this is not a legal proceeding by the Coroner's Deputy; for, according to the facts disclosed in these affidavits, this person swears the Jury, and takes a view of the body. If the inquest was to be proceeded in by him, he should have gone on to the end, and the Coroner ought not to have interfered. Instead of which, the inquest goes on for some days; and then the Coroner comes, and he takes up the business, when the Jury had already heard the testimony of several witnesses sworn by his Deputy; and after the Coroner had gone on for several days, it is then suggested to him that he had not had a view of the body, and that consequently, he had no jurisdiction to proceed, and then, for the first time, he goes to take a view of the body. All these proceedings are quite irregular; they are irregular from the first, and they could not be rendered regular by what afterwards occurred. What has taken place after the Coroner had the view, is clearly irregular, because the Jury is sworn before another person. I am confident that no inquest can be held, unless the Coroner and the Jury have a view of the body together. This I take to be clear, upon first principles. What is done subsequently, clearly shews that the Coroner had no authority to proceed. But then it is suggested, that as he saw the body himself, that is sufficient. Certainly it is not; for that circumstance could not give him a jurisdiction which he had not before. The Jury could not find a verdict upon testimony which they could not have taken before. The Coroner, in order to give himself jurisdiction, has the body disinterred for the purpose of a view. He goes by himself, without a single Juryman attending him. Mr. Tindal says, that it is not necessary that the Jury and the Coroner should go and see the body together. As well might it be said, that a Judge is to hear the evidence at one time, and the Jury at another. The Coroner is the Judge upon this inquest; and the reason why he and the Jury should see the body together, is, in order that the

Jury might have the benefit of such observations made to them, as the experience of the Coroner in such matters could suggest for their direction. The language of the statute *De Officio Coronatoris*, is decisive. But common sense would at once answer the objection, without any assistance of this kind; for it says, *accedant ad occisos*, in the plural number. But even here the Coroner does not see the body of the deceased; for when it is disinterred, he merely sees the face, and no further. Can that be considered as a view of the body, to answer the purposes of justice? He is to see the body for the purpose of directing the Jury to find a proper verdict. Merely looking at the face of the deceased, cannot be such a view of the body as is contemplated by the law. Then what is done afterwards, is equally irregular; or, even after seeing the face of the deceased, no step is taken to make the proceedings regular. That which is done afterwards, does not cure the defects in the beginning. I should not have thought the circumstance of this gentleman not having a view of the body so important, the Jury having seen it, if, after taking up the proceedings, he had then re-sworn the Jury, and re-examined the witnesses. But that is not done; he goes on upon the testimony of the witnesses, some of whose depositions were taken before himself, and some before his Deputy, without reading over the evidence previously given, re-swearing the witnesses, so as to make their evidence legal. Upon this ground therefore, without deciding the question, whether the Coroner could act by Deputy or not, it is impossible to say that the Coroner, by his acts, can render that part of the proceedings legal, which took place before the Deputy. Upon that ground I am of opinion, that this proceeding is illegal, and that no verdict can be found by the Jury, inasmuch as it might be immediately quashed. And I think it would be hardly proper to direct an inquest to proceed, which, when found, might be immediately quashed. Let it not be supposed, that by coming to this determination, any injustice will be done. Though the proceedings of the Coroner have been irregular, and this inquest cannot go on, yet it is perfectly competent to the Magistrates of the county, under a proper commission for that purpose, to inquire into the transactions; or, if no proceedings of that kind are had, the subject may be examined into, to any extent, by the Grand Jury of the country; and therefore we have the less regret, in doing that which we are compelled to do by law, and by the observance of those rules necessary to the protection of his Majesty's subjects. No failure of justice will occur, because the case may go before the Grand Jury of the country—a body of men much better calculated to examine so complicated a question, as that which may be submitted to them. I conscientiously feel no regret at being compelled to stop proceedings, which appear at the beginning to have been marked by so much irregularity on the part of the Coroner, and indecency on the part of others who attended the inquest; or in stopping a proceeding, in which it sufficiently appears that the Jury have been

so improperly tampered with. But I decide not upon these grounds. The ground I decide upon is, that from the beginning to the end every part of these proceedings is irregular.

RULE DISCHARGED.

Mr. SERJEANT CROSS.—There is one passage in the affidavits to which I beg your Lordships' attention.

The CHIEF JUSTICE.—We have decided this upon a ground which is quite beside the merits.

Mr. SERJEANT CROSS.—The point to which I was about to allude, is also beside the merits.

The CHIEF JUSTICE.—We decided this upon the ground, that the inquest was not well begun nor continued. Having disposed of this matter by so saying, the Rule must be discharged.

Mr. SERJEANT CROSS.—It is merely as to consulting with the Magistrates. We positively say, we did not consult with any man.

THE following are affidavits on which cause was shewn in this case:—

“ In the King's Bench.

“ THOMAS FERRAND, of Rochdale, in the county palatine of Lancaster, gentleman, maketh oath and saith, that he is one of his Majesty's Coroners for the said county, and that he presided at the inquest holden on the body of John Lees, late of Oldham in the said county, cotton-spinner, which first met on the 8th day of September last, and was subsequently adjourned to the 25th day of the same month, on account of the absence of this Deponent, then to be holden at the Angel Inn, in Oldham aforesaid, at eleven o'clock, as this Deponent was informed and believes.

“ And this Deponent saith, that on Saturday the 25th day of September last, he attended at the time and place aforesaid, and called over the Jurors, being twelve in number, and administered the usual oath to them, and who all swore they had had a view of the body of the said John Lees; and he proceeded in the said inquest at Oldham aforesaid, and examined various witnesses until night, on which day Mr. James Harmer and Mr. Henry Denison, attorneys, attended the said inquest, and produced and examined witnesses, the former of whom alleged that they appeared there on behalf of the crown.

“ And this Deponent adjourned the said inquest until nine o'clock in the morning of Monday the 27th of the same month, on which day this Deponent again proceeded in the said inquisition all day, which was attended by the said Messrs. Harmer and Denison, who continued to examine witnesses, as on the former day; and during which day the said Mr. Harmer publicly and repeatedly declared, before the Jury and Court, that he accused every member of the Yeomanry Cavalry, and all the Magistrates, and civil power, who were upon the ground that day, of wilful murder, or words to that effect; and he required this Deponent to cause a certain person of the name of Gregson, whom the said

Mr. Harmer had summoned to attend the said inquest, and was then present in Court, to be taken into custody *instantly*, as one of such murderers; but which demand was not complied with, because the said Gregson was not proved to be one of the members of the Yeomanry Cavalry.*

“ And this Deponent saith, that on the night of the said 27th day of September he adjourned the said inquest until nine o'clock of the 29th day of the said month, on which day this Deponent met and proceeded further in the said inquisition until night, when he adjourned the same until Saturday the 2nd day of October last; during which said 29th day of October the said Messrs. Harmer and Denison attended the said inquisition, and examined witnesses, as on the former days.

“ And that on the said 2nd day of October last, this Deponent again held the said inquisition until night, when the same was adjourned until nine o'clock in the morning of Monday the 4th day of the same month, on which day this Deponent proceeded in the said inquisition until night; at which time this Deponent adjourned the same until nine o'clock of the morning of the 5th day of the same month.

“ And this Deponent saith, that on the said 5th day of October he proceeded in the said inquisition until night, and then he adjourned the same until nine o'clock of the 7th day of the said month of October.

“ And this Deponent saith, that the said Messrs. Harmer and Denison attended the said inquest on the said 2nd, 4th, and 5th days of October last, and proceeded in the examination of witnesses; but that on the last of the said days, the said Mr. Harmer having objected to the interference of Mr. Ashworth, a barrister, (who appeared there, as he alleged, on behalf of the Boroughreeve and Constables of Manchester, persons charged by the said Mr. Harmer with the death of the said John Lees) in the examination of witnesses, the said Mr. Harmer was required to shew or declare by whom he was employed to attend such inquest, and by whom he expected to be paid; when he said, he attended there on behalf of the mother-in-law of the deceased; which not being consistent with the evidence which Hannah Lees, the said mother-in-law, had previously given in that respect, she was then sent for, and examined to that point; when she declared, that the said Messrs. Harmer and Denison were entire strangers to her and her husband; and that they had been at her house on the 8th day of September last, and asked, if they did not wish the persons to be brought to justice who had murdered her son; when she answered, to be sure she should, but it was the Constable's duty to look after such business; and that she did not give them any directions whatever. And that the said Hannah Lees further said, that the said two gentlemen went again to her house, in a few days after her son was buried, and that they again asked her, if she did not remember *having said she wished them to be brought to justice*; when she

* *Vide* the Proceedings of the Fourth Day. p. 99.

told them that she did, but her husband did not wish to be put to any expence, and it was not usual—it belonged to the Constables to look after such things: and she further said, that her husband had not seen the said Messrs. Harmer and Denison either of the said times, or given them any directions whatever; and that one of the gentlemen said, he would sooner give her fifty pounds out of his own pocket, than put them to any expence.

“ And this Deponent further saith, that Jonathan Mellor, the Constable of Oldham aforesaid, was then examined; who said, Messrs. Harmer and Denison were entire strangers to him, and that neither of them had been employed by him to interfere in the said inquisition in any way; and that he was of opinion, a full investigation of the case would have been had, and the ends of justice as completely answered, and much sooner, if they had not attended such inquest. Whereupon this Deponent asked the said Messrs. Harmer and Denison repeatedly, to declare candidly by whom they were employed to attend the said inquest, and by whom they expected to be paid; which the said Mr. Harmer positively refused to do, and Mr. Denison omitted to do: on which this Deponent acquainted them, that, as they were entire strangers in Oldham and the neighbourhood, and it did not appear on whose behalf they attended the said inquest, this Deponent did not think it right to allow them to interfere any further in the examination of witnesses; on which the said Mr. Harmer then said, he would attend gratuitously, he would give his services; but he was informed by the said Constable and this Deponent, that they were not solicited.

“ And this Deponent saith, that, during the time such inquest was holden at Oldham aforesaid, viz. on the 25th day of September last, one John Earnshaw, of Glodwick Clough, in the parish of Oldham aforesaid, professing to be a Surgeon, and to have attended the said John Lees in the months of August and September last, was produced to the said inquest, to give evidence respecting the said John Lees's death; and that the said John Earnshaw positively refused to take the regular oath administered to witnesses on those occasions, alleging, that he was one of the Society of Friends; for which reason this Deponent did not think it proper, in such a case, to receive his testimony. And this Deponent further saith, that on the morning of the 2d day of October last he had information, that the said John Earnshaw had caused a circular letter, or address, to be sent to each of the Jurors attending on the said inquest, purporting to be his evidence as to the cause of the death of the said John Lees, and of a conversation he had had with him. And this Deponent further saith, that on the same 2d day of October, on the assembling of the said inquest, and before the names of the Jurors were called over, George Dixon, one of such Jurors, delivered to this Deponent one of the said circular letters, which this Deponent did not communicate to any one during that day. And this Deponent further saith, that, after the assembling of the said inquest on the 4th day of October last, as no other of the said Jurors had then made any communi-

cations to him of their having received such papers, the said Jurors were addressed on the impropriety of such papers being sent to them, and acquainted, that if such had been received by all or any of them, it was their duty to have acquainted this Deponent therewith immediately, and to have delivered such papers to him; on which occasion none of the said Jurors acknowledged having received such a paper, or made any observation whatever.

“ And this Deponent further saith, that, during the whole of the time the said inquest was holden at Oldham, the room wherein the Court sat was crowded to excess, and so as to be frequently intolerable, by a description of persons who cheered and hooted, accordingly as the evidence was pleasing or offensive to them; and that Mr. Harmer himself often complained of the heat of the room, and the behaviour of the crowd therein. And this Deponent saith, that there was constantly a large number of people collected about the said public house, who applauded the witnesses that were produced by the said Messrs. Harmer and Denison, and hooted those witnesses who were produced by the Borough-reeve and Constables of Manchester; and that such crowd proceeded to such a length of insult and outrage on the evening of the 5th of October, that this Deponent was convinced in his own mind that it would not be safe for the inquest to be continued any longer at Oldham; and that, without this Deponent mentioning a word of such being his opinion, the said Mr. Mellor, of his own accord, expressed the same opinion, and advised this Deponent to adjourn the inquest from Oldham. And this Deponent saith, that he had every reason to apprehend, and he was credibly informed, that a body of some thousands of people would attend in Oldham on the said 7th day of October; for which reasons, and for the safety of the persons necessarily attending such inquest, and in order that such investigation might be free and unrestrained, and for the preservation of the public peace, he deemed it absolutely necessary to adjourn the same from Oldham aforesaid to Manchester, which is an adjoining parish, and where the police was the most efficient, and numbers of the witnesses and persons attending the inquest resided, and where he believed a much less number of the labouring class of the population would be taken from their industry.

“ And this Deponent further saith, that, on the inquest having met at Manchester aforesaid on the 8th day of October last, the said Jurors not having up to that time made any communication to this Deponent of their having received any such paper as aforesaid, they were then individually asked, whether they had received any such paper at the time when the said George Dixon had received one, *viz.* on or about the 2d day of that month; on which they all, except Thomas Woolfenden, admitted they had received such paper. And this Deponent saith, that he believes one of such papers, which was addressed to the said Thomas Woolfenden, accidentally miscarried, by means whereof this Deponent casually saw it, and thereby received the first information of such letter or address being wrote.

“ And this Deponent saith, that he attended at the Star Inn aforesaid on the said 8th day of October, and proceeded in the said inquest until night; and then adjourned the same until nine o'clock on the following morning, when this Deponent proceeded further in the said inquest until the night of that day; and then adjourned the same until nine o'clock on the 13th day of the same month of October, at the Star Inn aforesaid. And this Deponent saith, that the said Messrs. Harmer and Denison attended the said inquest at the Star Inn on the said 8th and 9th days of October, and proceeded in the examination of witnesses, alleging, that they had obtained the direction and authority of the said Robert Lees to attend the same on his behalf, and producing a paper writing, purporting to be signed by him.

“ And this Deponent saith, that his place of residence is distant from Oldham aforesaid about six miles; and that, for want of accommodation at Oldham, he was under the necessity of returning home each night, by which means he was necessarily occupied from fourteen to eighteen hours per day; and that several of the said Jurors attending the said inquest frequently declared to this Deponent, that their health would not permit them to attend so many hours per day, nor so frequently; and that others of the said Jurors repeatedly declared to him, that they were suffering great injury in their trades and businesses, and could not attend daily; and they often requested this Deponent to make adjournments. And this Deponent further saith, that on the morning of the said 13th day of October, certain of the said Jurors expressed that it was very inconvenient for them to attend on that day, because it was Oldham Fair; and one of them declared that he was quite unfit to sit that day on the score of ill health, alleging, that he had not recovered from the confinement of the last two days.

“ And this Deponent saith, that none of the said adjournments were made in consequence of arrangements with any Magistrate whatever, or with any of their legal advisers; and that the said Messrs. Harmer and Denison had not, up to that time, objected to any of the said adjournments, but Mr. Harmer had mentioned his surprise at this Deponent's bearing the fatigue, or making such long days, as he did.

“ And this Deponent saith, that, in this Deponent's judgment and belief, there was very just cause and reasonable grounds for all of such adjournments on account of the Jurors alone, independent of any consideration for this Deponent himself, who gave as much attendance to the business as the said Jurors said they could endure, and who sacrificed all other business to it, and thereby much neglected the business of his clients, and actually suffered much injury in his private concerns. And this Deponent is of opinion, that by such adjournments the furtherance of the said inquest was not eventually prolonged.

“ And this Deponent saith, that on the evening of the 2d of October last, the said Mr. Harmer demanded five hundred summonses to require the attendance of witnesses on the said inquisi-

tion, and required this Deponent to grant him a large number of them there and then; and that, as this Deponent had then previously granted them a great number, but of which he kept no account, and this Deponent being also informed that the said Mr. Harmer had told some of the witnesses, who had already been summoned by him, that they must apply to this Deponent for recompence, and being at the time much fatigued, he acquainted the said Mr. Harmer that he would consider of it until the following morning (Sunday), and if he then thought it proper to grant him the additional number of summonses, he would send them to him by that morning's post: to which the said Mr. Harmer replied, he must either have them that night, or they would be of no use, but this Deponent did not then grant him any more summonses.

“ And this Deponent saith, that on the 8th and 9th days of October this Deponent mentioned in the Court, that he thought a sufficient length of time had been allowed for the production of witnesses, and that as the said Mr. Harmer had oftentimes, during the investigation, produced witnesses whose testimony, in this Deponent's judgment, was not admissible, and of which the said Mr. Harmer had been frequently acquainted, and the said Mr. Harmer had refused to give the heads of the testimony of such witnesses in writing before this Deponent began to examine them, by which means much time had, in the opinion of this Deponent, been unnecessarily wasted, this Deponent expressed a hope, that the said inquisition might properly be brought to a close in a day or two, of which several, if not all, of the said Jurors highly approved; and the said Mr. Harmer replied, he should not consent to the same being closed so long as there was a single individual in existence who could give evidence of any fact which took place upon the ground that day, or words to that effect. And this Deponent saith, that he was at all times ready to receive any evidence relating to the death of the said John Lees; and being clearly of opinion, that a much less time than what had already been occupied would have been quite sufficient for the full ascertaining the cause of the death of the said John Lees, and the said Mr. Harmer having very repeatedly, during the course of the said investigation, made observations and remarks, and constantly introducing arguments of law, as the evidence proceeded, and insisting upon the illegality of dispersing the meeting, evidently for the purpose of influencing the minds of the said Jurors, of which this Deponent frequently complained, and forbid the said Mr. Harmer doing, this Deponent saith, that, under the whole of the circumstances of this case, he was induced, on the 12th day of October last, to state a case for the opinion of Counsel, on the propriety (among other points) of his deciding that a sufficient investigation had taken place, and of concluding the inquest; and that he was thereupon advised, amongst other things, that, under all the circumstances of this singular case, it would be the safer course for this Deponent to postpone all further proceedings to some distant day, so as to afford time for the irritation of the public mind (with which the whole of

this investigation had been attended, and which manifestly appeared to be kept alive and increased by this proceeding) to subside, and during which adjournment the said Messrs. Harmer and Denison, who were the only persons who interfered with this Deponent and the said Constable of Oldham in conducting this inquisition, or any other persons, might apply to the Court of King's Bench, if they should think fit, to compel this Deponent to proceed, as he would thereby probably obtain the best instruction from that Supreme Court of Criminal Jurisdiction how to shape his course in a case for which he can find no precedent; and this Deponent accordingly adjourned the said inquest from the said 13th day of October last to the 1st day of December now next.

“ And this Deponent saith, that he did not, at any time during the continuance of the said inquisition, hold communications with any Magistrates whatever, nor with any persons as the legal advisers of any Magistrates involved in the accusation made by Messrs. Harmer and Denison, which was the only accusation that was made against them before this Deponent; and that he hath held his present office of Coroner now upwards of twenty-three years, during which period this Deponent believes he hath taken from 1400 to 1800 inquests; and, amongst them, it hath fallen to his lot to hold several inquests on the bodies of persons who had been murdered, and also several on the bodies of persons who have been killed in mobs and riots; and that his conduct in that respect, during the whole of that time, hath not, to his knowledge, been reflected upon in a single instance; but he hath occasionally received observations of a very different nature from persons of the highest respectability. And this Deponent saith, that, during the time he hath held his said office, no Attorney or other person hath, in any one instance, interfered with this Deponent in conducting the investigation, either in the examination of witnesses, or regarding the evidence or law of the case, or in any way whatever. And this Deponent saith, that he hath, throughout the whole of this inquiry, discharged his duty with impartiality, and to the best of his skill and judgment, and is still desirous to do so; and that he is not aware that his conduct on this occasion hath given offence to any one who can fairly be said to be interested in it, nor avowedly to any other person, except the said Messrs. Harmer and Denison, and the Reporters of certain newspapers.

“ And this Deponent humbly prays the direction of this Honourable Court how he ought to proceed, and whether he ought to suffer the interference of the said Messrs. Harmer and Denison to be continued.

“ THOMAS FERRAND.

“ Sworn in Court, 27th Nov. 1819.

“ By the COURT.”

" In the King's Bench.

" JOHN CHADWICK, of Oldham, in the county palatine of Lancaster, Deputy Constable for the township of Oldham aforesaid, maketh oath and saith, that on the seventh day of September last, one Joseph Clegg, of Oldham aforesaid, came to this Deponent, and acquainted him, that Robert Lees, the father of John Lees, late of Oldham aforesaid, cotton-spinner, deceased, had directed him (the said Joseph Clegg) to inform this Deponent that the said John Lees was dead, and to inquire of this Deponent, whether it was necessary that an inquest should be held on his body, or not. That this Deponent answered, that the Doctor who had attended him was the fittest person to know whether it was proper to hold an inquest on the body. And this Deponent directed the said Joseph Clegg to go and inquire of John Earnshaw (the person whom the said Joseph Clegg informed this Deponent had attended the said John Lees) whether an inquest was necessary, or not. That the said Joseph Clegg departed, as this Deponent supposed, to go to the said John Earnshaw; and not returning as soon as Deponent expected, he (this Deponent) went to the house of Robert Lees, the father of the deceased; and there he saw Hannah Lees, the wife of the said Robert Lees, and step-mother to the deceased, from whom this Deponent inquired, whether the said James Chadwick was returned; when it appeared that he was not. That the said Hannah Lees then began to speak on the subject of the death of the said John Lees, and informed this Deponent, that the said John Lees had been to the Manchester Meeting on the 16th of August last, but that she did not think he had received any injury there, which had occasioned his death. That she then observed to this Deponent, that the said John Lees had had a complaint at his breast for a long time, and that she thought there could not be any occasion for an inquest; whereupon this Deponent said, that he could not tell, until he had received the opinion of the Doctor who had attended him, and who, this Deponent said, was the most likely person to know whether there was any occasion for an inquest, or not.

" That, in the course of the same day, he (this Deponent) received a paper writing, purporting to be a certificate from the said John Earnshaw, stating, that it was his (the said John Earnshaw's) decided opinion, that the said John Lees had died in consequence of being at the Manchester Meeting on the 16th of August last; but whether his case was a fit subject for an inquest, he was not able to say, he (the said John Earnshaw) never having, as he further certified, read the Act of Parliament on this subject.

" And this Deponent further saith, that, in this imperfect state of information as to the cause of the death of the said John Lees, he thought it would be satisfactory to have an inquest thereon; and that, on the same day, he went to the house of Mr. Thomas Ferrand, the Coroner, at Rochdale, in the said county, to acquaint him therewith; that, when he got to the house of the said Mr.

Ferrand, he found that the said Mr. Ferrand was not at home, but was then at Lancaster, attending the Assizes there. That this Deponent saw Mr. Joseph Battye, a Clerk of the said Mr. Ferrand, and acquainted him with the circumstance, and with what the mother-in-law of the said John Lees had said upon it, and delivered to the said Mr. Battye the said certificate of John Earnshaw. That he (this Deponent) observed to Mr. Battye, that, although he (this Deponent) thought it would appear that the said John Lees had not died from any injury or violence received as aforesaid, but a natural death, yet it might be as well to hold an inquest touching his death. And this Deponent saith, that accordingly the said Mr. Battye agreed to hold such inquest, in the absence of the said Mr. Ferrand, as the interment of the body of the said John Lees could not be put off more than two days, on account of the heat of the weather at that time.

“ That the said Mr. Battye appointed to hold the said inquest on the 8th day of the said month of September, at the Duke of York public-house, in Oldham aforesaid, at eleven o'clock in the forenoon, and delivered three warrants to this Deponent, requiring him, and also the Constables of the township of Royton and Cad-derton, to warn four men out of each of their respective townships to attend at the time and place aforesaid, in order to form a Jury to inquire how the said John Lees came by his death.

“ And this Deponent saith, that four men out of each of the said townships did accordingly attend at the said public-house, on the said 8th day of September.

“ And this Deponent saith, that on the said 7th day of September, after he returned from the office of the said Mr. Ferrand, he heard it commonly reported, that the said John Lees had died of wounds which he had received at Manchester on the said 16th of August last; and that this Deponent then began to inquire respecting the truth of such reports. That he (this Deponent) summoned many witnesses to attend the said inquest at eleven o'clock the following day, in order to give evidence respecting the death of the said John Lees. That the said Mr. Battye attended at the said public-house on the said 8th day of September, when this Deponent informed him of the said report.

“ And this Deponent saith, that, in consequence of it being so commonly reported that the death of the said John Lees had been caused by wounds or hurts which he had received, he (this Deponent) directed Mr. James Cocks, a Surgeon, to examine the body of the said John Lees.

“ That the said Mr. Battye, after having administered the usual oaths to the Jury, caused them to view the body of the said John Lees. That the said Mr. Battye then decided not to attempt examining any witnesses touching the death of the said John Lees, or to act any further in the business of the said inquest, except to permit the body of the said John Lees to be interred. And that the said Mr. Battye then said, that he would go to Manchester, in the said county, to procure the attendance of Mr.

John Milne, a Coroner residing there, to hold such inquest; and that the said Mr. Battye went accordingly to Manchester, as this Deponent believes. That he returned about three o'clock in the afternoon of that day, and informed the said Jury that he had not been able to see Mr. John Milne, he being from home; but that he had arranged with one of Mr. Milne's Clerks that Mr. Milne would attend to hold the said inquest at eleven o'clock, on Friday the 10th of September, at the house aforesaid.

" That the said Mr. Battye then adjourned the said inquest to the 10th day of September, at eleven o'clock in the forenoon, then to be held at the house aforesaid.

" And this Deponent further saith, that on the said 8th day of September, when the said Mr. Battye was taking the said Jury to view the body of the said John Lees, the said John Earnshaw, along with five or six strange gentlemen (amongst whom, as this Deponent afterwards learned, was Messrs. Harmer, Denison, Peter Finnerty, and Basnett), came to the house of the said Robert Lees, and took that opportunity of viewing the body of the said John Lees; and that after the said Jury had returned to the public-house, from viewing the body, the person whom this Deponent now knows to be James Harmer, pressed the said Mr. Battye, in a very urgent manner, to commence the examination of witnesses touching the death of the said John Lees, and to proceed in the said business of the said inquest in the absence of Mr. Ferrand, or any Coroner. And that he observed, that the said Mr. Battye came for the purpose of taking the inquest, and would have taken it, if he (Mr. Harmer) had not been there. And this Deponent saith, that the said Mr. Battye refused to examine any witnesses, or proceed any further on the said inquest, saying, that he never did attempt to examine witnesses, or to do more towards holding an inquest in any case, which was not a mere casualty, than causing a Jury to be summoned and sworn, a view to be taken, the body to be perfectly examined, and granting a certificate to permit the body to be buried, and then adjourning the inquest until a Coroner could be procured to attend it.

" And this Deponent saith, that the said Messrs. Harmer and Denison brought with them to the said inquest several carriages loaded with people, who, it was pretended, were witnesses. That a very large body of people was assembled at the said public-house; that there was much shouting and disturbance amongst the crowd, some of whom behaved in a manner very improper and unusual on such occasions.

" That this Deponent further saith, that the said Mr. Battye and the said Jurors again attended at the said public-house on the said 10th day of September, at eleven o'clock; and that the said Mr. John Milne also attended, but that the said Mr. Milne refused to hold the said inquest, and advised the said Mr. Battye to adjourn the same until the said Mr. Ferrand returned from the assizes; and that the said Mr. Battye did accordingly adjourn the said inquest until the 25th day of September last. And this Deponent

further saith, that the said Messrs. Harmer, Denison, Finnerty, and Basnett, also attended on the said 10th of September, accompanied by several carriages laden with witnesses, as before. That the said Mr. Harmer again pressed the said Mr. Battye to proceed in the said inquest, which he refused to do. That there was again a great number of people assembled at the said house, amongst whom there was much shouting and tumultuous behaviour.

“ JOHN CHADWICK.

“ Sworn at Oldham aforesaid, this 22d day
of November, 1819, before me,

THOMAS MILN, Commissioner, &c.”

“ *In the King's Bench.*

“ THOMAS FERRAND, of Rochdale, in the county of Lancaster, gentleman, maketh oath and saith, that, during the time he was holding the inquest touching the death of John Lees, in his former affidavit made herein-mentioned, he was under the necessity of taking other inquests in different parts of the hundred of Stafford, in the said county. And this Deponent further saith, that the said Mr. Harmer, in this Deponent's former affidavit mentioned, required of this Deponent, that he himself should take a view of the body of the said John Lees; and that though this Deponent was of opinion such a view was not indispensably necessary, yet as there was such an extraordinary degree of interest and agitation produced in the public mind by the said inquest, he deemed it most proper, in order to prevent, as far as possible, every cause of blame to him, he, on the 5th day of October last, arranged with Mr. Jonathan Mellor, the Constable of Oldham aforesaid, to have the grave of the said John Lees opened by a little before six o'clock on the following morning, in order that this Deponent might see the body of the said John Lees in the most private and decent manner possible, thereby intending to prevent all unavoidable distress to the relatives of the said John Lees, and for no other intent and purpose whatsoever.

“ And this Deponent saith, that he was informed, and believes, that the said grave was opened as decently and secretly as possible, by the Sexton of the said parish of Oldham aforesaid, and one Assistant; and that they commenced opening the said grave by one o'clock of the morning of the said 6th of October. And this Deponent saith, that he was very unexpectedly called up, before three o'clock of the morning of the said 6th of October, by the said Mr. Mellor, and some other persons, which other persons had interfered to prevent the opening of the said grave, and whom this Deponent acquainted that he had given directions to have the said grave opened by a little before six o'clock of that morning, at which time this Deponent supposed it would be sufficiently daylight for him to see the body; and this Deponent also informed them, that he had so done, solely for the purpose of avoiding alarm and of distressing the feelings of the relatives of the deceased;

and this Deponent also informed them, that, by virtue of his office of Coroner, he had the power, on all necessary occasions, to order a body to be disinterred; and this Deponent said, that the said Constable informed him he had been called up out of his bed by the said people, who were then along with him, who had charged him with an intent to steal the said body; and that he had been to the grave, and found that it was so far opened, that he thought it was then ready for this Deponent's inspection, and advised this Deponent to go then to view the body. And this Deponent accordingly went; and, after waiting about a quarter of an hour, he had the lid or cover of the coffin so much raised (without removing the coffin at all) as to enable him to see the face of a body, which the said Sexton informed him was the body of the said John Lees, and which appeared to be so by the inscription on the lid of the said coffin.

“ And this Deponent saith, that so soon as he had seen the said body, he directed the said grave to be immediately filled up, and then left the church-yard.

“ And this Deponent saith, that, whilst he was about taking the said view, he, and also the said Mr. Mellor, were grossly insulted, by persons who had assembled in the said church-yard, and who knew this Deponent to be a Coroner; and both were charged with an intent to steal the body of the said John Lees, and with being all murderers on a heap, or words to that effect.

“ And this Deponent saith, that he was informed, and verily believes, that the crowd assembled in the said church-yard prevented the said grave being filled up; and that the father of the said John Lees there and then declared, that he had not then, as to that time, given the said Mr. Harmer any orders or directions, but he then would do so, and that the said grave must not be filled up until the said Mr. Harmer had seen it.

“ And this Deponent saith, that there was a crowd of some thousands of persons assembled in the said church-yard that morning, in this Deponent's judgment; and that the crowd who constantly attended the said inquest at Oldham aforesaid, were evidently more under the controul of the said Messieurs Harmer and Denison than of this Deponent.

“ THOMAS FERRAND.

“ Sworn in Court, 29th November, 1819.
By the COURT.”

THE PETITION.

“ TO THE HONOURABLE THE COMMONS OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND, IN
PARLIAMENT ASSEMBLED.

“ The HUMBLE PETITION of ROBERT LEES, of
OLDHAM, in the County Palatine of LANCASTER,
Cotton-spinner,

“ SHEWETH, That your Petitioner's Son, John Lees, a youth twenty-two years of age, having attended the Meeting held at Manchester on the 16th of August last, was, as your Petitioner is led to believe, without any just cause or provocation, most inhumanly attacked and cut by Yeomanry Cavalry, and afterwards most unmercifully beaten with the clubs or batons of Police and Special Constables, and also trampled upon by the horses of the Cavalry, whereby he was so much injured, that he was, from that time, incapable of attending to his ordinary employment, and lingered in pain and debility until the night of the 6th of September following, when he died.

“ That the Surgeon who attended your Petitioner's Son having certified that his death was occasioned by violence, several householders in Oldham and the neighbouring townships were served, late in the evening of the 7th of September, with summonses from the Coroner of the district, to attend the next morning at half-past ten o'clock, to serve as Jurors on an inquest to be held on the body of your said Petitioner's Son. At the time appointed the said Jurors assembled, and were met by a person named BATTYE, who attended as Deputy for the said Coroner, for the purpose of inquiring into the cause of the death of your Petitioner's Son; and, having sworn the Jury, he went with them to take a view of the body. But, finding that several witnesses had arrived from Manchester, to give evidence upon the said inquiry, he refused to proceed in the inquest; and, having adjourned the same for three hours, he, at the expiration of that time, further adjourned until the 10th day of the same month, when the said BATTYE promised, that either Mr. FERRAND, his employer, or Mr. MILNE, a neighbouring Coroner, should certainly attend and proceed in the investigation.

“ That, on the next day, a Surgeon attended, by the direction of the said Mr. BATTYE, to open and examine the body of your Petitioner's Son; and he was then allowed to be interred.

“ That, on the 10th day of September, the Jury again assembled; but, although Mr. MILNE attended, he refused to interfere in the business, as he said it did not belong to his district; and the inquest was further adjourned until the 25th day of the same month. And, during this interval, some of the Manchester newspapers inserted the vilest falsehoods, to depreciate the reputation of the deceased, with a view, as your Petitioner believes, to extinguish every feeling of sympathy for his fate.

“ That, on the said 25th day of September, Mr. FERRAND attended; and, after swearing the Jury, and ascertaining from them that they had all seen the body, he proceeded to examine witnesses; but, in the course of the investigation, he adjourned several times for days together, without any reasonable or probable cause, and merely, as your Petitioner believes, to harass and tire out the witnesses, who came day after day a considerable distance, to give testimony.

“ That, in detailing his complaint to your Honourable House, your Petitioner exceedingly regrets he should be under the necessity of impeaching the conduct of any individual, especially one employed in the administration of justice; but your Petitioner is compelled, by a regard to truth, to declare, that, according to all the information he has received, from numerous individuals who witnessed the proceedings of the inquest, the Coroner throughout evinced a manifest partiality for the Magistrates and Yeomanry Cavalry of Manchester, to whose illegal and violent conduct your Petitioner attributes the premature death of his Son.

“ That, among other things, the said Mr. FERRAND refused to allow the witnesses to give in evidence numerous acts of violence and atrocity committed by the said Manchester Yeomanry upon the people so assembled at the Meeting in St. Peter's Field, or to state the names of the said Yeomanry. And that he also refused to receive evidence of declarations made by the said Manchester Yeomanry immediately before they entered the field, evincing a determination to perpetrate the violent acts of which your Petitioner complains.

“ That the said Mr. FERRAND prohibited the reading of the Acts of Parliament passed for the regulation of the conduct of Coroners, whereby all Coroners are directed to receive the species of evidence rejected by him on this occasion.

“ That, in the progress of the investigation, the Solicitor employed by your Petitioner, inquired of the Coroner, whether or not he had seen the body of your Petitioner's Son; to which inquiry he peremptorily and repeatedly refused to give any answer. But, some time afterwards, he went secretly and clandestinely, in the middle of the night, and had the grave of the deceased opened for the purpose of seeing the body: by which extraordinary proceeding, the town of OLDHAM, and the surrounding neighbourhood, were in some degree alarmed and agitated; whereupon the Coroner stated, that he found it necessary to adjourn his Court to Manchester, to pursue the investigation.

“ That at length, on the 13th of October, when the evidence on both sides was, as your Petitioner believes, brought very nearly to a close, the Coroner, without offering even a pretext for such an unparalleled proceeding, adjourned the Inquest until the 1st day of December instant.

“ That your Petitioner believes, from the evidence adduced before the said Coroner, that a verdict of Wilful Murder must and would have been given against many individuals engaged in the cruel attack before mentioned; and your Petitioner is informed, that Mr. FERRAND the Coroner stated he had no doubt such a verdict would be pronounced, if he allowed the Jury to come to a decision; and your Petitioner has good reason to believe, that the last-mentioned adjournment was made solely with a view to screen and protect the delinquents, who were likely to be affected by the verdict of the Jury.

“ That, it being understood that the said Mr. FERRAND intended still further to adjourn the said inquest, an application was made in the last Term by your Petitioner's solicitors, for a rule to shew cause why a writ of *mandamus* should not issue, to be directed to the said Mr. FERRAND, directing him to proceed forthwith in the said inquisition. But the said Mr. FERRAND shewed cause against such a writ being granted; and the Court discharged the rule, as your Petitioner understands, on the ground that Mr. FERRAND had probably rendered the proceedings of the inquest invalid and nugatory, by neglecting to view the body at the same time with the Jury.

“ That the said Mr. FERRAND, gladly availing himself of, and seizing with avidity, the suggestion as to the illegality of the proceedings, wholly neglected to meet the Jury on the first of this month, as he had appointed by his own adjournment; but his Clerk, Mr. BATTYE, stood at the door of the inn, and told the Jury as they arrived, that their attendance was no further required, and that they might go about their business. And thus has terminated the proceeding on which alone your Petitioner relied, to bring the guilty before a superior court of judicature for trial, and ultimately to justice.

“ That it has been intimated, as your Petitioner is informed, that the course of justice was not impeded by the proceedings of the before-mentioned Inquest being set aside, because it was still open for your Petitioner to proceed, either by obtaining a writ, directing the Magistrates of the county to take the inquisition, or by indictment before the Grand Jury. But, independent of the delay which must result by adopting either of these modes, your Petitioner humbly submits to your Honourable House, whether it is not mocking his already agonized and harassed feelings to refer him for justice to the very persons against whom he complains, or to a body who are likely to be composed of their relatives and intimate friends, especially when it is considered that the prejudiced opinion of a similar body has been already evinced by their throwing out bills of indictment against several of the Manchester

Yeomanry, for maliciously cutting down the unarmed and unoffending people, on the melancholy 16th of August, and by their extra judicial denunciation transmitted to government at the very last Assizes, held for the County of Lancaster; wherein, after assuming that the people are misguided and disaffected, they impute to the lower classes, in general, that their object is 'to reverse the orders of society, and by force, to seize and divide the landed property of the country among themselves.'

"That your Petitioner, considering that he has no immediate legal resource to bring to justice the authors of his son's death, has presumed to lay a simple statement of the facts before your Honourable House;—and

"Your Petitioner, therefore, most earnestly supplicates your Honourable House, to listen to the facts he has detailed, and take them into immediate consideration, so that your Petitioner may have the consolation to find that his grievances are heard, and that your Honourable House will afford him that redress, which he cannot obtain, or expect, from the legal authorities of the country.

"AND YOUR PETITIONER, AS IN DUTY BOUND,

"WILL FOR EVER PRAY, &c,

[Signed.]

"ROBERT LEES,"

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ERRATA.

- Page* 62, *line* 11, for "Casks," read, "Carts."
 81, — 8, for "marched," read, "rushed."
 93, — 11, for "Mosley Street," read, "Mount Street."
 94, — 11, for "and I climbed on the wall, and had an opportunity of seeing the proceedings," read, "and I climbed over the gates, and from the wall had an opportunity of seeing the proceedings."
 95, — 14, for "Mr. P. Sharp," read, "Mr. R. Sharp."
 95, — 14, for "Mr. Whitton," read, "Mr. Whitlow."
 96, — 21, for "A. In Portland Street. I looked for them in the station they were in at the blanket-Meeting," read, "A. In Portland Street.
 Q. Did you not know that the Magistrates were present?
 A. I looked for them in the situation they were in at the blanket-Meeting, and did not see them."
 96, — 46, for "Great Princes Street," read, "Front Princes Street."
 98, — 2, for, "*A.* Yes, I did; and then saw people lying there, apparently dead." read, "*A.* Yes, I did; and then saw blood lying about in different parts.
 Q. Had you, while looking over the wall, seen any persons wounded?
 A. Yes; several."
 104, — for "DUKE OF YORK," read, "ANGEL."
 135, — 9, for "five or ten," read, "fifteen or twenty."
 135, — 41, for "Examined," read, "Cross-examined."
 154, — for "Rex v Street," read, "Rex v Fleet."
 160, — 41, for "Examined," read, "Re-examined."
 244, — 26, for "*Olierum*, or shoulder bone," read, "*Olecranon*, or elbow bone."
 246, — 25, for "semular," read, "cellular."
 249, — 3, for "A new composition, and a new arrangement of fact ensues," read, "A decomposition, and a new arrangement, in fact, ensues."
 249, — 45, for "Now, Sir, as he died," read, "Now, Sir, he died."
 254, — 8, for "conjestion," read, "congestion."

From the immense size of this Work, the EDITOR was obliged to put the latter part into the hands of various printers; from which circumstance, it has unfortunately happened, that the numerical order of the Pages, has, in one instance, been neglected: viz. the Page 505, ought to be 483.

DIRECTIONS TO THE BINDER.

The single leaf, Pp. 481 and 482 to precede page 505; and leaf, page 37, to follow page 36 of Petition.

